

31 residence located at 2013 Superior Street in Racine, purportedly resulting from a water main break on the
32 City's side on April 1, 2025.

33 This claim is not actionable against the City, the Water, or the Wastewater Utilities due to defects
34 in the claim as filed. Namely, the notice of circumstances that the claimant filed with the City Clerk on
35 November 25, 2025, was untimely. Per Wis. Stat. § 893.80(1d)(a), a claimant must file a written notice of
36 the circumstances of a claim within 120 days of the happening of the event giving rise to the claim. The
37 event giving rise to this claim occurred on or about April 1, 2025; therefore, the notice of circumstances for
38 this claim would need to have been filed on or before July 30, 2025, in order to be timely filed, which it
39 was not. As such, this claim is not actionable.

40 Furthermore, when the claimant first reported an issue related to this incident to the City on April
41 3, 2025, Mr. Tenuta stated that he had rented a rodding machine from Menards in an attempt to clear his
42 sanitary lateral; however, the rodder had become stuck, and he was unable to retrieve it. The City
43 subsequently responded, with the assistance of two contractors, to free the stuck rodder and remove rags
44 and other non-flushable material from the homeowner's sewer lateral.

45 Because neither the City, nor the Water or Wastewater Utilities had any constructive or actual
46 knowledge of a defect in this sewer main prior to the date in question, the City, the Water, and the
47 Wastewater Utilities are not legally liable for the alleged damages. Furthermore, it appears that the claimant
48 himself caused the issue when he got a rented rodding machine stuck in his sanitary lateral, which was
49 otherwise clogged with rags and non-flushable material. Moreover, this claim was untimely filed, and,
50 therefore, is not actionable against the City, Water, or Wastewater Utilities.

51 For the above-stated reasons, it is the recommendation of the City Attorney's Office that this claim
52 be disallowed.

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54 **BUDGETARY IMPACT:**

55 Assuming the recommendation to disallow this claim is adopted, this item would have a \$0.00
56 impact on the City's budget.

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58 **RECOMMENDED ACTION:**

59 That the disallowance of this claim be recommended for approval.
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