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**City of Racine, Wisconsin  
Common Council**

**AGENDA BRIEFING MEMORANDUM**

**COMMITTEE:** Finance and Personnel

**LEGISLATION ITEM #:** 1177-23

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**AGENDA DATE:** January 8, 2024

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**DEPARTMENT:** City Attorney's Office

**Prepared By:** Deputy City Attorney Marisa Roubik

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**SUBJECT:** Communication sponsored by Alder West on behalf of the City Attorney's Office submitting the claim of Jessica Perrine, on behalf of Lock & Key Realty LLC, for consideration for disallowance.

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**EXECUTIVE SUMMARY:**

Jessica Perrine, on behalf of Lock & Key Realty LLC, filed a claim with the city requesting \$5,139.57 in damages to a property claimant owns at 3800 Southwood Drive, Racine, Wisconsin 53406, resulting from an alleged sewer backup in the property's basement on or about August 28, 2023. The blockage that was found to be causing this backup was located in the sewer lateral, which is on private property and is the responsibility of the property owner to maintain. For this reason, it is the recommendation of the City Attorney's Office that this claim be disallowed.

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**BACKGROUND & ANALYSIS:**

Jessica Perrine, on behalf of Lock & Key Realty LLC, filed a claim with the city requesting \$5,139.57 in damages to a property claimant owns at 3800 Southwood Drive, Racine, Wisconsin 53406, resulting from an alleged sewer backup in the property's basement on or about August 28, 2023.

The Racine Wastewater Utility personnel who were dispatched to this call inspected the sewer main lines running upstream and downstream of the claimant's property but found no blockages in the sewer main. A private plumber who was working with the property owner indicated that the plug that was causing the backup was located in the sewer lateral, which is on private property and is the responsibility of the property owner to maintain. As such, the alleged sewer lateral blockage that caused the backup at claimant's property was the responsibility of the property owner to remedy, and it was not a matter for which the City or Wastewater Utility can be held liable.

32           For the reasons set forth above, it is the recommendation of the City Attorney's Office that this  
33 claim be disallowed.

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35 **BUDGETARY IMPACT:**

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

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39 **RECOMMENDED ACTION:**

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

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