



CITY OF BERKLEY

OFFICE OF THE CITY MANAGER

3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

Public Act 222 Summary

Berkley Resident:

The City of Berkley regrets that you have experienced a back-up of the combined sewer overflow system. You are strongly urged to check with your insurance policy to determine if coverage is provided.

Please be aware that it is the property owner's responsibility to use the reasonable precautions to preserve and protect the damaged property and take all necessary steps to reduce further damage.

Current Michigan Law Public Act 170 of 1964, as amended by Public Act 222 of 2001, requires that persons seeking compensation for injury or property damage must show that all of the following existed at the time of the event:

- The City of Berkley at the time of the event owned or operated, or directly or indirectly discharged into, the portion of the sewage disposal system that allegedly caused damage or injury.
- The sewer disposal system of the City of Berkley has a construction, design, maintenance, operation, or repair defect.
- The City of Berkley knew, or in the exercise of reasonable diligence should have known, about the defect and failed to take reasonable steps in a reasonable amount of time to repair, correct, or remedy the defect.
- The defect must be 50% or more of the cause of the event and the damage or injury.

You are also required to comply with the written notice requirements of the Act. Any claim you make must be submitted in writing within 45 days after the date on which the damage or physical injury was discovered or should have been discovered. The written notice must contain your full name, address, telephone number, the address of the affected property, the date of discovery of any property damage or physical injury, and a description of the claim. Please use the attached form to report your claim.

The City of Berkley field employees are not permitted to authorize repairs or replacement of damaged items. All authorizations for replacement or repair damaged items must be made by the City Manager's Office.

If the City's responsibility is established, all claims will be adjusted on an "actual cash value" basis. Actual Cash Value is defined as the cost to repair or replace the damaged items, less depreciation. The age, condition, and remaining useful life of the damaged property are considered in the valuation procedure.