

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
VINCENT J. BOBOT
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN M. ZALEWSKI
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
Assistant City Attorneys

July 6, 2006

To the Honorable Common Council
Of the City of Milwaukee
Room 205 – City Hall

Re: Communication from Felicia Miller
C.I. File No. 06-L-45

Dear Council Members:

We return the enclosed document which has been filed with the City Clerk and ask that it be introduced to the Committee on Judiciary & Legislation with the following recommendation.

Claimant, Felicia Miller, 5910 North 38th Street, Milwaukee, WI 53209 alleges that on May 11, 2006 she sustained damages when a City tree branch broke off and landed on her vehicle which was parked at 5690 North 36th Street. She claims damages in the amount of \$6,000.00.

Our investigation reveals that the Forestry Division reviewed their records from the previous three years and found no notice of potential hazardous conditions or service requests for this location. They also note that, in keeping with the programmed pruning schedule, the tree was last pruned in February 2005. The tree was inspected after this loss and was then marked to be torn down. The inspection also found that no outward signs of decay were evident. In addition, prior to this incident the tree was alive. Finally,

To the Hon. Common Council
July 6, 2006
Page 2

at the time of the loss the City was experiencing storm conditions which caused high wind gusts. This loss was not in any way related to negligence by the City of Milwaukee. As such, the City would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure
1068-2006-1584:107358