

November 17, 2003

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

Re: Communication from American Family Insurance Group
on the behalf of Steven Nelson and
The St. Paul Mercury Insurance Co.
on behalf of Hammel Green Abrahamson, Inc.
Driver, Bill Dobrenz
C.I. File No. 02-L-124

Dear Council Members:

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

The two insurance company claimants, American Family Insurance, 440 Executive Drive, Brookfield, WI 53005-4280 on behalf of their insured, Steven Nelson, and The St. Paul Mercury Insurance Co. 5801 Smith Avenue, Baltimore, MD 21209 on behalf of their insured, Hammel Green Abrahams, Inc./Driver, Bill Dobrenz, allege that they sustained damages when their insureds collided with each other due to a tree limb that blocked the view of a “stop sign” at North 29th Street and West Well Street. They claim damages in the amount of \$45,522.36.

Our investigation reveals there is a City tree growing in the tree border area which is approximately 46 feet from the stop sign in question. The tree does not obstruct visibility of the stop sign. The Forestry Section investigation noted there is a Honey Locust tree growing on private property in a vacant lot that appears to be the tree that allegedly obstructed the view of

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said stop sign. The Forestry Section does not routinely prune trees growing outside of the City right-of-way. The City has no record of any complaints regarding visibility at this intersection for seven years prior to this incident. Because of this lack of notice and the fact the tree that allegedly caused the obstruction is on private property the City cannot be held liable. Accordingly, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure
1068-2002-2970:75015