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April 2, 2007

David Barry
2853 North Downer Avenue
Milwaukee, WI 53211

RE: David Barry
C.I. File No: 07-S-7

Dear Mr. Barry:

We have received your claim in the amount of \$1,500.00, relating to tree damage suffered during a tree pruning operation conducted by the Department of Public Works-Forestry Section at 2851-53 North Downer Avenue on September 28, 2006.

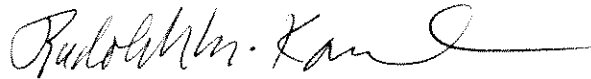
Our investigation reveals that the Forestry Section conducted an inspection on June 1, 2006 and it revealed that the subject trees were overgrown and encroaching into the alley right-of-way, which is a violation of §116-55, Milwaukee Code of Ordinances. The Forestry Services Manager noted the trees were "volunteer" and considered "junk" trees. Forestry mailed to you a notification on June 9, 2006 informing you of the violation and requesting compliance within 30 days. On July 12, 2006, the property was re-inspected and still found to be in violation of the ordinances. A Forestry crew was dispatched on September 28, 2006 to trim or remove the subject trees to provide adequate right-of-way through the alley.

Forestry billed you \$190.00 for the work and you appealed this issue to the Administrative Review and Appeal Board. The board granted the appeal of the \$190.00 charges in this matter. Our office spoke with the Forestry Services Manager who handled this matter. He indicated the matter was granted on administrative grounds, but the fact remained that the trees were still encroaching on the alley right-of-way per the Milwaukee Code of Ordinances. The Forestry Section followed standard procedures in this matter, as such, the City cannot accept liability and we are denying your claim.

David Barry
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If you wish to appeal this decision, you may do so by sending a letter within 21 days of the date of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,



GRANT F. LANGLEY
City Attorney



ROBERT M. OVERHOLT
Investigator Adjuster

RMO:beg
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