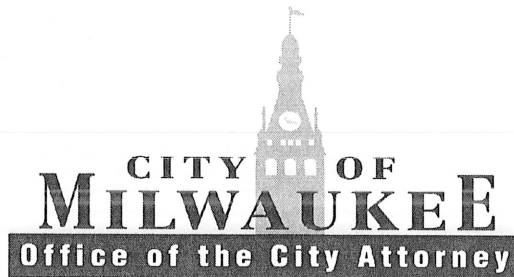


EVAN C. GOYKE
City Attorney

MARY L. SCHANNING
ROBIN A. PEDERSON
NAOMI E. SANDERS
JULIE P. WILSON
Deputy City Attorneys



Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551
Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

HEIDI WICK SPOERL
KATHRYN Z. BLOCK
THOMAS D. MILLER
PETER J. BLOCK
PATRICK J. MCCLAIN
HANNAH R. JAHN
JOANNA FRACZEK
MEIGHAN M. ANGER
ALEXANDER R. CARSON
ALEXANDER T. MUELLER
ALEXANDER D. COSSI
GREGORY P. KRUSE
LISA A. GILMORE
KATHERINE A. HEADLEY
SHEILA THOBANI
STACY J. MILLER
JORDAN M. SCHETTLE
THERESA A. MONTAG
ALEXANDER E. FOUNDOS
TRAVIS J. GRESHAM
JENNIFER L. WILLIAMS
KYLE W. BAILEY
JOSEPH M. DOBBS
WILLIAM K. HOTCHKISS
CLINT B. MUCHE
ZACHARY A. HATFIELD
MEGHAN C. MCCABE
MARIA E. MESOLORAS
CYNTHIA HARRIS ORTEGA
Assistant City Attorneys

July 11, 2024

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

RE: Communications from Benjamin Carniff
C.I. File No. 1068-2024-789

Dear Sir or Madam:

Mr. Carniff alleges that the City of Milwaukee is responsible for damages he incurred as a result of tree roots from a City tree causing his driveway approach and culvert to crack. He is claiming damages in the amount of \$5,300.00.

Our investigation into this matter revealed Forestry received a complaint of tree roots lifting the driveway at this location in 2017. Forestry responded and discovered a tree, not planted by Forestry, was growing in the City Right of Way adjacent to claimant's driveway. Forestry recommended removal at that time, but claimant declined and the tree was pruned. The tree was entered into Forestry's tree management database at that time.

In May of 2023 claimant requested that the tree be removed. Forestry accommodated this request and the tree was removed on December 6, 2023. The stump was removed on March 12, 2024.

In conclusion, Forestry became aware of this tree in July, 2017, and found it to be in good condition, but causing damage to claimant's driveway. Forestry recommended tree removal in 2017, but claimant declined.



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It is our view that Forestry acted responsibly regarding the subject tree, and therefore, the City has no negligence in this matter. In addition, claimant declined to have the tree removed in 2017, failing to mitigate damages. Therefore, we recommend that this claim for \$5,300.00 be denied.

Very truly yours,



EVAN C. GOYKE
City Attorney



JULIE P. WILSON
Deputy City Attorney

ECG/JPW/PK/cdr

Enclosures

1068-2024-789/292262