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July 31, 2023

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

Re: Communication from Design Build  
C.I. File No. 1068-2023-595

Dear Sir or Madam:

Enclosed please find a proposed resolution. We ask that it be referred to the Committee on Judiciary and Legislation with the following recommendation.

Claimant alleges that they sustained damage to their vehicle while it was parked in the area of 2740 North Booth Street when a large branch from a City tree fell on it on March 9, 2023.


Our investigation revealed that on March 10, 2023 the Forestry Department received a request for emergency service regarding a tree branch that fell on a vehicle at 2740 North Booth Street. The Forestry crew arrived on March 11, 2023, noted the damage to the vehicle, and removed the branch from the scene. The failed branch was alive, but there was no decay evident at the point of failure. Forestry did not receive any other service requests for this address in the past ten years.



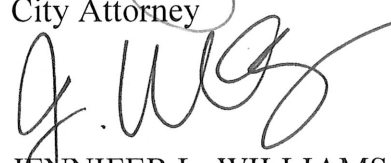
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On March 9 to March 10, 2023, 2022, Milwaukee had a weather system move through the City with sustained winds of 22 mph and peak winds of 30 mph. there was also 10.7 inches of heavy, wet snow that fell over this period. It is our position that the Forestry Department could not have foreseen or prevented this damage from occurring, and were not negligent in this matter. Therefore, we recommend that the claim submitted by Design build in the amount of \$5,235.81 be denied.

Very truly yours,



TEARMAN SPENCER  
City Attorney



JENNIFER L. WILLIAMS  
Deputy City Attorney

JLW/PK/cdr

Enclosures