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March 15, 2012

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

Re: Resolution Relating to the Claim of Gladys Birdsong
C.I. File No. 11-L-85

Dear Council Members:

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

Claimant, Gladys Birdsong, 7934 West Beckett Avenue, Milwaukee, WI 53218 alleges that in October 2010 she sustained damages when a City tree branch broke during a storm and fell onto the front porch area of her house located at 3528 North 25th Street. She claims damages in the amount of \$5,842.00.

Forestry Section records indicate that on October 27, 2010, when the City experienced windy conditions, the section received and responded to a call of a broken branch down on a house at 3528 North 25th Street. Upon arrival, their crew found that a 20-inch diameter Norway maple tree located in the City right-of-way had split and fallen onto the front porch area of the house at this address causing damage to the roof and gutter.

The tree was alive and had evidence of internal and external decay. The crew immediately removed the fallen portion of the tree. The remainder was removed on October 29, 2010.

The section reviewed their records for the previous 5 years and found that, in keeping with the cyclical pruning of all trees in this area, the tree was last pruned in February 2009. At that time, there was a wounded area in the tree which probably warranted further inspection. It was not done. This may have contributed to the subsequent breakage in October 2010.

To the Honorable Common Council
Of the City of Milwaukee
March 15, 2012
Page 2

Because settlement of this matter is deemed expeditious to the City of Milwaukee, we recommend settlement of this claim in the amount of \$5,842.00 and have enclosed an appropriate resolution for your convenience.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:ms
Enclosure
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