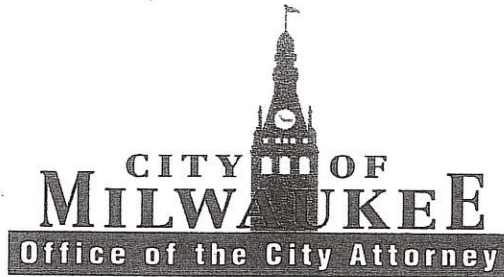


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November 13, 2019

Kristopher Kier
1433 E. Pryor Avenue
Milwaukee, WI 53207-1938

*Mailed
11/20/19*

RE: C.I. File No. 1068-2019-1927
Communication from Kristopher Kier

Dear Mr. Kier:

We have received your claim in the amount of \$1,585.00, relating to damage to your railing on June 25, 2019 when, you allege, that the City was cutting down a fallen tree and in the process damaged your railing at 1433 East Pryor Avenue.

The Forestry Section records indicate that on June 25, 2019 they received a call regarding a tree down, hitting the tree next to it, and blocking the sidewalk at 1427 East Pryor Avenue. A crew responded and removed the uprooted Norway Maple street tree, which had also fallen on the railing and damaged it. During the clean-up operation, they did move/pivot the broken section of the railing further up the lawn to prevent it from being caught in the branches that were being dragged to the chipper. The stump was left for subsequent removal. The tree was alive with no signs of decay. The incident had also damaged the adjacent street tree. The top of that tree was removed the next day. The remainder was subsequently removed.

The Section notes that Milwaukee experienced winds averaging 10.5 miles per hour with peak wind speeds of 31 miles per hour on June 25, 2019. They also reviewed their records for the last six years at this location for tree-related issues and found no other requests for service. The trees in this area are on a regular pruning schedule and were last pruned in November 2011.

There is no evidence that the City was negligent in this matter. The City would not be liable. Therefore, we are denying your claim

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



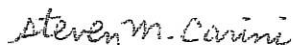
Kristopher Kier
November 13, 2019
Page 2

include a photocopy of this letter's envelope, showing the postmark, and retain the original in the event further proof is needed.

Very truly yours,



GRANT F. LANGLEY
City Attorney



STEVEN M. CARINI
Investigator Adjuster

SMC:mal

c: Ian Brown (Forestry)
1068-2019-1927:264671