

CITY OF MILWAUKEE

Form CA-43

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October 10, 2003

Pedro Orozco
2534 South 19th Street
Milwaukee, WI 53215

RE: C.I. File No: 03-S-338

Dear Mr. Orozco:

This office is in receipt of your claim in the amount of \$2,371.00, relating to costs you incurred for sidewalk replacement due to root encroachment by a tree located in the City right of way in front of your residence at 2534 South 19th Street.


Our investigation reveals that occasionally tree roots may cause certain sidewalk slabs to become uneven over extended periods of time. Sidewalks can also become uneven due to freeze/thaw cycles, underground utility leaks, erosion, settlement of underlying soil, and simple aging processes. None of these factors are due to any negligence of the City.

When sidewalk slabs become uneven they will be ramped at no charge to the homeowner upon receipt of a complaint. The City has an ongoing sidewalk replacement program that calls for replacement of defective sidewalks every 25-30 years. When sidewalks are replaced during this program any encroaching tree roots are cut at no charge to the property owner. The property owner is then charged for the portions of sidewalk in need of replacement.

The Forestry Section records note the tree in front of your residence was last pruned in March 2001 and is scheduled for pruning in 2004 in accordance with established pruning and inspection cycles. The tree is normal and healthy. The City followed normal and customary procedures in this matter, and as such, the City cannot accept liability for these costs. Accordingly, we are denying your claim.

Very truly yours,


GRANT F. LANGLEY
City Attorney


ROBERT M. OVERHOLT
Investigator Adjuster
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