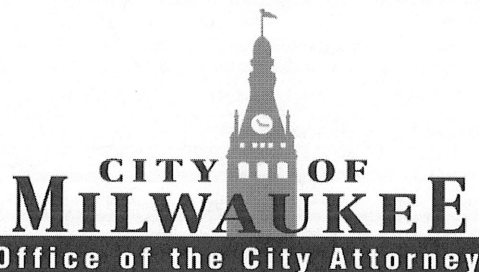


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February 26, 2020

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

Re: C.I. File No. 1068-2019-2222
Communication from Safeco Insurance by its representative
Kelly Owens
P.O. Box 515097
Los Angeles, CA 90051-5097 on behalf of
Joel and Katherine Benway
2934 N. Pierce Street
Milwaukee, WI 53212-2550

Dear Council Members:

Safeco Insurance alleges that on July 15, 2017 their insured sustained damages when a City tree fell onto their property located at 2934 North Pierce Street. Claimed damages total \$22,594.71.

This notice of claim was filed on November 15, 2019. Wisconsin Statute §893.80 (1d)(a) requires that a notice of the circumstances of the claim be filed within 120 days after the happening of the event giving rise to the claim. This notice is untimely.

The Forestry Section records indicate that on July 16, 2017 they received a call regarding a tree down on top of a house in the 2900 block of North Pierce Street. A crew responded and removed a Norway maple tree located at 2934 North Pierce Street from the houses at that address and 2930 North Pierce Street. The tree was alive with no signs of decay.

The Section notes that Milwaukee experienced windy conditions with peak wind speeds of 32 miles per hour and .01 inches of rain on July 15, 2019. A thunderstorm wind event was also recorded that day at the UW-Milwaukee campus, which is in the area of the loss location, with estimated wind gusts of 64 miles per hour. They also reviewed their records for the last 6 years at this location for tree-related issues and found no other requests for service. The trees in this area are on a 10 year pruning schedule and were last pruned in November 2016.



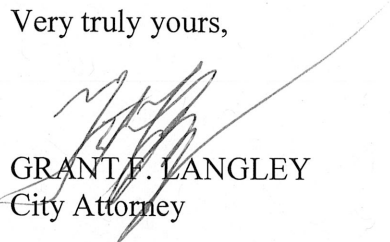
Honorable Common Council

February 27, 2020


Page 2

There is no evidence that the City was negligent in this matter. The City is not liable. Therefore, we recommend that this claim be denied.

Very truly yours,



GRANT F. LANGLEY
City Attorney



KATRYNA C. RHODES
Assistant City Attorney

KCR:mal

Enclosure

c: Jeffrey Laufenberg (Forestry)

1068-2019-2222:267089