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September 7, 2010

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

Re: Resolution Relating to the Claim of Curtis Massey  
C.I. File No. 10-S-207

Dear Council Members:

We return the enclosed document which has been filed with the City Clerk and ask that it be introduced and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimant, Curtis Massey, 2210 Salem Boulevard, Zion, IL 60099, alleges that on/about July 8, 2010 a City tree caused damage to his property located at 1639-1641 North 33<sup>rd</sup> Street, Milwaukee, WI. He seeks damages in the amount of \$7,200.00.

Our investigation reveals that the Forestry Section (FS) was notified of a down and broken branch from a City tree at this location and date. The FS responded to numerous requests such as this due to the weather conditions. The FS removed the branch off the home, front yard and public sidewalk. The branch was alive and showed some minor decay which was not visible from the outside. The records also showed the trees in the area were pruned in March, 2008 pursuant to the cyclical pruning of all City trees. It was also noted, the FS had received no other complaints or service requests regarding this tree for the preceding five years. The FS followed its standard procedures and the loss occurred during stormy/windy conditions, as such, we recommend denial of this claim.

Very truly yours,

**GRANT F. LANGLEY**  
City Attorney

**JAN A. SMOKOWICZ**  
Assistant City Attorney

JAS:ms  
Enclosure  
c: Curtis Massey (w/o enclosure)  
1068-2010-1987:161154

**OFFICE OF THE CITY ATTORNEY**