

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIDI E. GALVÁN
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
Assistant City Attorneys

June 16, 2009

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

Re: Resolution relating to the claim of Silvestre Villarreal
C.I. File No. 09-L-47

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, Silvestre Villarreal, 1510 South 37th Street, Milwaukee, WI 53215 alleges that on May 16, 2009 he sustained damages when a City tree branch broke off and landed on his vehicle which was parked at 2562 South 9th Place. He claims damages in the amount of \$11,816.52.

Our investigation reveals that the Forestry Division reviewed their records from the previous four years and found no notice of potential hazardous conditions or service requests for this location. They also note that, in keeping with the programmed pruning schedule, the tree was last pruned in March 2005 and it appeared sound and healthy. The tree was inspected the time of the loss and the branch removed. The division also began procedures which eventually lead to the removal of the tree. The inspection also found that no outward signs of decay were evident. Prior to this incident, the tree was alive. Finally, at the time of the loss the City was experiencing conditions which caused high

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wind gusts. This loss was not related to negligence by the City of Milwaukee. As such, the City would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:beg
Enclosure
1068-2009-1435:147029