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January 21, 2025

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

RE: Communication of MARINA DIAZ
C. I. File No. 1068-2024-1527

Dear Council Members:

Enclosed please find a proposed resolution. We ask that it be referred to the Judiciary and Legislation Committee with the following recommendation.

Marina Diaz alleges she sustained damages to her 2012 GMC Arcadia in the amount of \$12,510.27, allegedly from a city tree branch that fell on July 13, 2024, while her vehicle was parked at 2020 S. 30th Street.

Our investigation revealed that on July 13, 2024, a Forestry crew responded to a call regarding a tree split blocking the street at 2020 S. 30th Street. The crew confirmed damages to the mirrors, roof, and side rear panel and the tree branch was removed.

The subject tree was a 30" Linden, and appeared healthy. The tree branch that failed was alive with decay at the point of failure. There was no evidence of decay visible from outside the tree. The branch in question fell during conditions of severe winds. The City experience peak winds of 18mph and gusts up to 33 mph on July 13, 2024, according to the National Weather Service.



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A service history was reviewed and there were no service requests in the past 6 years. The maintenance scheduled for the pruning of all trees for quarter section 471 of all trees is on a 5-year inspection cycle and is scheduled to take place in 2025.

It is our view that the branch failure was not a result of any negligence caused by the City Forestry Section. As such, we recommend that the claim be denied.

Very truly yours,

/s/ EVAN C. GOYKE

EVAN C. GOYKE
City Attorney

/s/ NAOMI E. SANDERS

NAOMI E. SANDERS
Deputy City Attorney

ECG/NES/MTG/cdr

Enclosures

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