

TEARMAN SPENCER
City Attorney

ODALO J. OHIKU
ROBIN A. PEDERSON
S. TODD FARRIS
JENNIFER L. WILLIAMS
Deputy City Attorneys



Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551
Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

HEIDI WICK SPOERL
KATHRYN Z. BLOCK
THOMAS D. MILLER
PETER J. BLOCK
PATRICK J. MCCLAIN
HANNAH R. JAHN
JULIE P. WILSON
MEIGHAN M. ANGER
ALEXANDER R. CARSON
ALEXANDER T. MUELLER
ALEXANDER D. COSSI
LISA A. GILMORE
TAVISS K. SMITH
KATHERINE A. HEADLEY
L. ANTHONY JACKSON
STACY J. MILLER
MICHAEL C. RADAVICH
JORDAN M. SCHETTLE
THERESA A. MONTAG
ALEXANDER E. FOUNDOS
JAMES D. LEWIS
TRAVIS J. GRESHAM
KYLE W. BAILEY
JOSEPH M. DOBBS
WILLIAM K. HOTCHKISS
CLINT B. MUCHE
JOANNA FRACZEK
Assistant City Attorneys

September 26, 2023

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

RE: Communications from JAVIER INCA
C.I. File No. 1068-2023-957

Dear Sir or Madam:

Mr. Javier Inca alleges that on March 10, 2023, a city tree branch fell on his property located at 3123 W. Clybourn Street. Mr. Inca has submitted a damage claim in the amount of \$7,204.22, for repairs to his fence.

Our investigation revealed that on March 10, 2023, Forestry was notified of a broken branch from a City tree at 3123 W. Clybourn Street. Forestry crew responded a few days later and found that the tree branch was already removed. The crew confirmed damages to a solar light on top of a fence post.

The subject tree was an 18" Norway maple tree that was reported alive. Because the branch was removed prior to the crew's investigation, the condition of the failed branch is unknown. Further investigation reveals that on March 9-10, 2023, the City experienced an accumulation of 10.7 inches of snow, winds averaging 12.4 MPH, with sustained speeds of 22MPH and wind gusts to 30MPH as reported at General Mitchell. Forestry Section reported they received 1,142 calls for broken branches and other storm related issues that day.



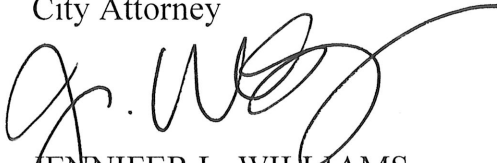
To the Honorable Common Council
of the City of Milwaukee
September 26, 2023
Page Two

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

Very truly yours,



TEARMAN SPENCER
City Attorney



JENNIFER L. WILLIAMS
Deputy City Attorney

TS/JLW/MTG/cdr

1068-2023-957/287285