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July 22, 2021

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

Re: Communications from subrogation demand from
Northland Insurance/Reliable Transport
C.I. File No. 1068-2021-369

Dear Council Members:

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

On December 7, 2020 at approximately 9:40 PM, a semi-truck with an attached trailer was traveling northbound on North 71st Street. Attempting to park alongside the curb, the truck struck an overhanging tree branch, resulting in the attached trailer sustaining substantial damages.

Forestry conducted an investigation of this matter. The tree in question is located at 4446 N 71st Street. Forestry's investigation revealed that the tree limb struck by the trailer was hanging over the curb line. The actual height of the branch could not be determined since it was no longer in the growing position.


The service request Forestry received for this incident, was the only service request for the tree in the preceding 6 years. The vicinity of North 71st Street and West Ruby, where this incident took place, is a residential neighborhood in which the street is not designed for travel by a 53-foot trailer, such as the one involved in this loss. There was no construction on the street forcing the truck into the curb lane.



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Northland Insurance, the liability carrier for Reliable Transport has submitted a subrogation demand against the City for payment in the amount of \$19,152.05. There is no evidence that the City was negligent in this matter. As such, the City would not be liable for the damages being claimed. Therefore, we recommend that this claim be denied.

Very truly yours,



TEARMAN SPENCER
City Attorney



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Deputy City Attorney

YYM/cdr

Enclosure

1068-2021-369/275591