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October 2, 2015

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

Re: Communication from JOSHUA WASHINGTON
C.I. File No. 1068-2014-2434

Dear Council Members:

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

Claimant, Joshua Washington, 1112 A East Hamilton Street (Upper Rear), Milwaukee, WI 53202, alleges that on June 30, 2014 he sustained damages when a City tree branch broke during a storm and fell on his vehicle while it was parked at 826 North 22nd Street. Claimed damages total \$11,041.44. The co-owner Lillian Davis, 6977 West Glenbrook Road, Milwaukee, WI 53223 and lien holder Capital One Auto Finance, by its representative, Ishshah Estrada, 7933 Preston Road, Plano, TX 75024 also have interests in his claim.

Forestry Section records indicate that on June 30, 2014, when the City experienced windy conditions, they received a request to remove a tree branch off a car located at 826 North 22nd Street. They responded the next day and found that a 20 inch diameter branch had fallen from a 40 inch diameter Silver Maple street tree onto a car at this location. The tree was alive with decay which was not visible from the outside of the tree. They removed the branch on July 9, 2014, and the tree was marked for removal.



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The Section also reviewed their records for the previous 6 years and found 3 requests for service regarding this tree. On May 14, 2009, February 20, 2014 and May 12, 2014 they received requests regarding broken branches. After each request, the branches were removed. Following their response to the February 20, 2014 request, a note on the field report indicated a need for inspection of the tree. There is no record of this being done. This may have contributed to the subsequent breakage and vehicle damage in June 2014.

Our independent appraiser inspected the vehicle and has determined the value, including salvage, to be \$9,808.50. The vehicle is on hold at the City Tow Lot and the City would then dispose of it. The claimant, co-owner and lien holder have accepted this settlement.

Because settlement of this matter is deemed expeditious to the City of Milwaukee, we recommend settlement of this claim in the amount of \$9,808.50 and have enclosed an appropriate resolution for your convenience.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:cdr

Enclosure

1068-2014-2434/220488