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November 2, 2009

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

Re: Resolution Relating to the Claim of Damion Kreger  
C.I. File No. 09-L-89

Dear Council Members:

We return the enclosed document which as been filed with the City Clerk and ask that it be introduce and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimant, Damion Kreger, 5306 North 62nd Street, Milwaukee, WI 53218, alleges that on August 10, 2009, he sustained damages when a branch from a tree on a City-owned vacant lot broke off and fell onto his vehicle which was parked at 5306 North 62<sup>nd</sup> Street. He claims damages in the amount of \$5,521.35.

Our investigation reveals that the Forestry Division records indicate that on August 10, 2009, they received and responded to an emergency request for service involving a fallen tree branch at 5306 North 62<sup>nd</sup> Street. Upon arrival, their crew found that a 2-inch diameter by 10-foot-long branch from a Box Elder tree located on a City-owned vacant lot had fallen. The tree and limb that the branch fell from were alive. There were no external or internal signs of decay. The division noted that the area had experienced a peak wind speed of 48 miles per hour. They also reviewed the DPW Call Center database for the last 5 years and found no tree related entries. There is no evidence that the City was negligent in this matter. As such, the City would not be liable.

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Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:ms  
Enclosure  
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