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December 2, 2025

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

RE Communication from BARBARA ROBINSON
C.I. File No. 2025-001703

Dear Council Members:

Barbara Robinson submitted a claim for property damage from a loss on July 20, 2025. She alleges that the roots from a City tree caused damage to property retaining wall and sidewalk located at 8535 West Capitol Drive.

Our investigation revealed that the Forestry Department (FORS) received one service request for the address at 8535 West Capitol Drive for tree trimming in the last 6 years. No action was taken since the branches were not encroaching the right of way. Additionally, yew shrubs located in front of the retaining wall were removed by property owner and no tree roots were observed in the turf area near the retaining wall. Barbara Robinson is also the owner of the adjacent property located at 3970 North 86th Street, which forestry did not receive any service requests for tree roots.

The Department of Public Works (DPW) records indicate that there was one call for sidewalk repairs for the 3700 block of North 86th Street on July 22, 2025. DPW went out to shim the sidewalk on July 23, 2025 and completed repairs in a timely efficient manner that addressed the issue promptly.

It is our position that there is no evidence to support the claim that tree roots from a city tree caused the alleged damage to the retaining wall or sidewalk. FORS and DPW followed standard operating procedures in this case and were not



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negligent in their actions. Furthermore, legal precedents establish that municipalities are generally not liable for damages caused by natural growth of tree roots unless there is evidence of negligence or failure to act upon notice of a dangerous condition. Therefore, we recommend that the claim submitted by Barbara Robinson in the amount of \$16,500.00 be denied.

Very truly yours,



EVAN C. GOYKE
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ECG/CEC/cdr

2025-001703/