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December 4, 2019

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

Re: Communication from Martha Watts
C.I. File No. 1029-2019-1942

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.

On July 27, 2019, Ms. Martha Watts was walking across the sidewalk on North 48th Street near the vicinity of 48th Street and Burleigh, whereupon Ms. Watts tripped and fell over tree roots. The fall resulted in her injuring her right elbow, diagnosed as a radical head fracture of the right elbow.

Ms. Watts is a self-employed, 61 year old hairdresser. She states that her injury, being right-handed, has severely curtailed her ability to do the activities associated with being a hairdresser. As a result of injury from her fall, she has filed a claim against the City for medical expenses, lost wages, and future medical expenses in the amount of \$12,786.06.

The Infrastructure Services Division (ISD) conducted their investigation of this matter. The tree in question is located in front of the property owned by JO LLC, 3107 N. 48th Street, Milwaukee, Wisconsin 53216. Ms. Watts, in her initial letter in filing a claim on this matter, notes that JO LLC is the property owner. ISD concluded their investigation that the City of Milwaukee is not responsible for maintenance of the tree border in front of private property.

In that the City is not responsible for the maintenance of the tree in question, the City cannot accept liability for Ms. Watts' injuries and expenses. Therefore, we recommend that this claim be denied.




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Very truly yours,



GRANT F. LANGLEY
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KCR:mal
Enclosure

Cc: James Washington (Infrastructure)
1029-2019-1942.265075