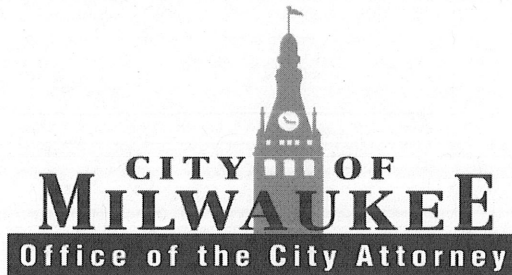


TEARMAN SPENCER
City Attorney

MIRIAM R. HORWITZ
ADAM B. STEPHENS
MARY L. SCHANNING
Deputy City Attorneys



Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551
Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

SUSAN E. LAPPEN
PATRICIA A. FRICKER
HEIDI WICK SPOERL
GREGG C. HAGOPIAN
JAY A. UNORA
KATHRYN Z. BLOCK
KEVIN P. SULLIVAN
THOMAS D. MILLER
ROBIN A. PEDERSON
JEREMY R. MCKENZIE
PETER J. BLOCK
JENNY YUAN
ALLISON N. FLANAGAN
HEATHER H. HOUGH
ANDREA J. FOWLER
PATRICK J. MCCLAIN
NAOMI E. GEHLING
BENJAMIN J. ROOVERS
ELLENY B. CHRISTOPOULOS
TYRONE M. ST. JUNIOR
HANNAH R. JAHN
JULIE P. WILSON
GREGORY P. KRUSE
KIMBERLY A. PRESCOTT
SHEILA THOBANI
KATRYNA C. RHODES
NICOLE F. LARSEN
JAMES M. CARROLL
WILLIAM G. DAVIDSON
MEIGHAN M. ANGER
ALEXANDER R. CARSON
JENNIFER J. TATE
Assistant City Attorneys

June 24, 2020

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

Re: C.I. File No. 1068-2020-147
Communication from: Bethel-Bethany United Church of Christ
Attn: Thad Winkle
2866 N. 54th Street
Milwaukee, WI 53210

Dear Council Members:

Bethel-Bethany United Church of Christ alleges that on October 21, 2019 they sustained damages when a City tree fell onto their property located at 2878 N. 54th Street and damaged their sign. Claimed damages total \$5,354.00.

The Forestry Section records indicate that on October 21, 2019 they received two calls regarding a branch down on the sidewalk and on the church property at 2878 N. 54th Street. A crew responded and removed a branch from a Norway Maple street tree located at 2878 N. 54th Street. The tree was alive with decay which was visible on the outside on the sidewalk side. This would not have been visible during the annual tree survey.

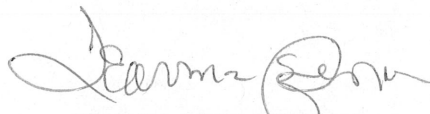
The Section notes that Milwaukee experienced winds averaging 17.2 miles per hour with peak wind speeds of 52 miles per hour and 0.13 inches of rain on October 21, 2019. They also reviewed their records for the last six years at this location for tree-related issues and found two other requests for service. In June 2019 there were two calls for this address regarding a broken branch in a tree. This address is a corner lot with five City trees adjacent to it. Forestry records do not indicate if these requests are for the tree involved in the October 21, 2019 loss. The trees in this area are on a 10 year pruning schedule and were last pruned in August 2010.



Honorable Common Council
June 28, 2020
Page 2

There is no evidence that the City was negligent in this matter. The City would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,



TEARMAN SPENCER
City Attorney



KATRYNA C. RHODES
Assistant City Attorney

KCR:mal
Enclosure

c: Jeffrey Kluslow (Forestry)
1068-2020-147:268950