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May 21, 2015

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

Re: Communication from HAZEL DILWORTH
C.I. File No. 1068-2014-2820

Dear Council Members:

Claimant, Hazel Dilworth, 1329 North 22nd Street, Milwaukee, WI 53205 alleges that on June 20, 2014 she sustained \$20,100 in damages when a tree fell onto her property.

On June 18, 2014 Forestry received a request to remove a tree which was blocking access to the house at 1329 North 22nd Street. They responded that day, and found that the downed tree originated from the City-owned vacant lot at 1325 North 22nd Street. The tree displayed external signs of decay, but the decay was not visible from the street. Forestry cleared safe access to the house and hired a private contractor to remove the remainder of the tree on June 20, 2014.

Forestry received three service requests for this tree in 2009: on February 2, 2009 a hanging branch was causing interference with a satellite dish; a private contractor pruned the tree. On May 28 and July 13, 2009 they received requests regarding the tree “leaning”. Forestry determined after each that the tree was stable. The tree did not have signs of external decay when these inspections occurred.

The City experienced stormy and windy conditions around the time of this incident; Forestry responded to numerous tree service requests throughout the City. Forestry also followed proper procedure for inspection of City-owned tax foreclosed property.



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Page Two

Lastly, per Assessor's Office records, the claimant is not the owner of record of this property.

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

Very truly yours,

GRANT F. LANGLEY
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Assistant City Attorney

PAF:cdr

Enclosure

1068-2014-2820/215593