

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
THOMAS D. MILLER
JARELY M. RUIZ
ROBIN A. PEDERSON
CHRISTINE M. QUINN
MARGARET C. DAUN
JEREMY R. MCKENZIE
MARY L. SCHANNING
PETER J. BLOCK
NICHOLAS P. DESIATO
Assistant City Attorneys

October 17, 2012

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

Re: Resolution Relating to the Claim of Transinternational Systems, Inc.
C.I. File No. 12-L-68

Dear Council Members:

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

Claimant, Transinternational Systems, Inc., alleges through North American Risk Services, by its representative Lori Grabias, P.O. Box 166002, Altamonte Springs, FL 32716-6002, as subrogee, that on May 10, 2012 they sustained damages when their insured's large truck hit a low hanging branch from a City tree at South 5th Street and West Howard Avenue. They claim damages in the amount of \$8,283.78.

Our investigation reveals that the Forestry Section records indicate that on May 10, 2012 they received a service request for a tree down blocking the road at 500 West Howard Avenue. The responding crew found that a large limb over the roadway had been ripped off the main trunk of the 24-inch diameter Norway maple tree located in the City right-of-way at 500 West Howard Avenue. The tree damage was caused by a semi-trailer impacting the tree limb at the curb/parking lane. The tree was healthy and had some internal decay that became visible after this impact. The damage to the tree was substantial and required the removal of the tree.

Forestry also reviewed their records for the last 6 years and found no notice of potential hazardous conditions or service requests for this tree. The trees in this area are on a regular pruning schedule and were last pruned in December, 2006. All City tree branches are pruned to a height of at least 14 feet, the Section guideline, where they enter over the roadway traffic lanes. This guideline is not subject to parking lanes. The operator of a vehicle has the ultimate responsibility of look out and management.

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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
City Attorney

PATRICIA A. FRICKER
Assistant City Attorney

PAF:ms
Enclosure
1068-2012-2237:185663