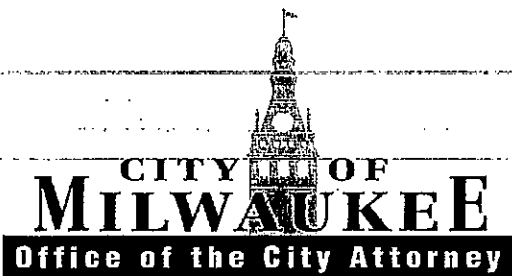


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January 11, 2016

Jim and Diane Fuchs
2945 Willaura Court
Brookfield, WI 53005

RE: C.I. File No. 1068-2015-2652
Communication from JIM AND DIANE FUCHS

Dear Mr. and Mrs. Fuchs:

We have received your claim in the amount of \$550.00, relating to damage allegedly sustained to the front stair railing of your property located at 6508 West Chambers on June 22, 2015 when a branch from a City tree fell onto it.

The Forestry Section records indicate that they received a request on June 22, 2015 to remove a tree down in a yard at 6502 West Chambers Street. They responded that day. Upon arrival, their crew found that a 15 inch diameter branch had fallen from a 22 inch diameter Linden street tree, at this address, onto the front stair railing of your property. The tree was alive with no decay. The branch was removed. The Section received a request on June 24, 2015 from you to have the tree fully removed. Due to the damage to the tree, the remaining crown was removed on June 26, 2015. The trunk was removed on August 31, 2015.

The Section also noted that the City experienced windy conditions on June 22, 2015. The peak wind gust was 50 miles per hour. They responded to numerous requests regarding broken branches and downed trees. They also reviewed their records for the 6 years prior to this incident and found no complaints or service requests for this tree. The trees in this area are on a regular pruning schedule and were last pruned in January 2011.

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



Jim and Diane Fuchs

January 11, 2016

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If you wish to appeal this decision, you may do so by sending a written statement requesting a hearing within 21 days of the postmarked date of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202. Please include a photocopy of this letter's envelope, showing the postmark, and retain the original in the event further proof is needed.

Very truly yours,



GRANT F. ANGLEY
City Attorney

Steven M. Carini

STEVEN M. CARINI
Investigator Adjuster

SMC:cdr

c: Randy Krouse (Forestry)

1068-2015-2642/224269