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November 28, 2006

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

Re: Resolution relating to claim of Carl & Sharon A. Benkoe
C.I. File No. 06-L-82

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.

Claimants, Carl and Sharon Benkoe, 8220 West Keefe Avenue, Milwaukee, WI 53222, allege that on October 2, 2006 they sustained damages when a City tree branch broke off and landed on their vehicle which was parked at 8220 West Keefe Avenue. They claim damages in the amount of \$5,594.71.

Our investigation reveals that the Forestry Division reviewed their records from the previous three years and found no notice of potential hazardous conditions or service requests for this location. They also note that, in keeping with the programmed pruning schedule, the tree was last pruned in 2005 and no outward signs of decay were evident. At the time of the loss the City was experiencing conditions which caused high wind gusts. This loss was not related to negligence by the City of Milwaukee. As such, the City would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

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Assistant City Attorney

MGT:beg
Enclosure
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