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September 5, 2024

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

RE: Communications from PAUL BACHOWSKI
C.I. File No. 1068-2022-1159

Dear Sir/Madam:

Claimant alleges damage to his property at 2908 North 6th Street occurred as a result of a City tree falling on his house. He has submitted a damage claim for repairs for \$18,300.00.

This notice of claim was filed on August 15, 2022. Forestry records indicate that the tree in question fell on December 16, 2021. Wis. Stat. § 893.80(1d) (a) requires that a notice of circumstances of the claim be filed within 120 days after the happening of the event given rise to the claim. This service of notice is untimely.

We have completed our investigation into this matter with the Forestry Department. Forestry's records reveal that on December 17, 2023, the section responded to a call regarding a tree down on two houses at 2912 and 2908 North 6th Street. At the site, the crew found the city tree at 2908 had uprooted, falling on the two houses, causing damage. There was decay at the point of failure, however the decay was not visible from the exterior of the tree prior to failure.

A Forestry employee documented the damage, left claim information in the mailbox, and the tree was removed.

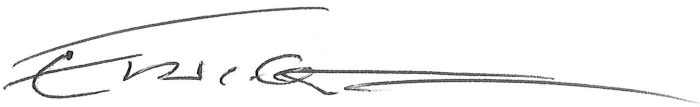


To The Honorable Common Council
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Page Two

Further search of records reveals that on December 16, 2021, the City of Milwaukee experienced a strong wind event which produced sustained wind speeds of 43 MPH and peak winds of 63 MPH. This resulted in widespread tree damage throughout the city. There were no other related service requests for this location going back to December of 2014.

It is our position that the City of Milwaukee has no negligence in this matter and we recommend that the claim be denied.

Very truly yours,

A handwritten signature in dark ink, appearing to read "E. Goyske", with a long horizontal flourish extending to the right.

EVAN C. GOYKE
City Attorney

A handwritten signature in dark ink, appearing to read "Julie P. Wilson", written in a cursive style.

JULIE P. WILSON
Deputy City Attorney

ECG/JPW/PK/cdr

Enclosures

1029-2022-1159/293066