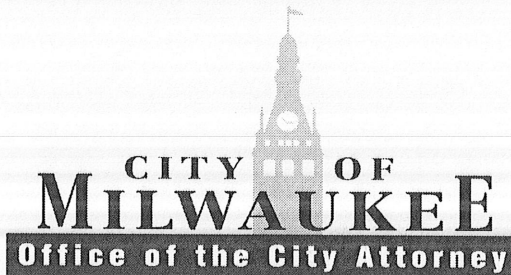


EVAN C. GOYKE
City Attorney

MARY L. SCHANNING
ROBIN A. PEDERSON
NAOMI E. SANDERS
JULIE P. WILSON
Deputy City Attorneys



Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551
Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

HEIDI WICK SPOERL
KATHRYN Z. BLOCK
THOMAS D. MILLER
PETER J. BLOCK
PATRICK J. MCCLAIN
ANDREA J. FOWLER
JOANNA FRACZEK
HANNAH R. JAHN
MEIGHAN M. ANGER
ALEXANDER R. CARSON
GREGORY P. KRUSE
ALEX T. MUELLER
ALEXANDER D. COSSI
LISA A. GILMORE
KATHERINE A. HEADLEY
SHEILA THOBANI
STACY J. MILLER
JORDAN M. SCHETTLE
THERESA A. MONTAG
ALEXANDER E. FOUNDOS
TRAVIS J. GRESHAM
JENNIFER L. WILLIAMS
KYLE W. BAILEY
JOSEPH M. DOBBS
WILLIAM K. HOTCHKISS
CLINT B. MUCHE
TYLER M. HELSEL
ZACHARY A. HATFIELD
MEGHAN C. MCCABE
MARIA E. MESOLORAS
CYNTHIA HARRIS ORTEGA
OLUWASEUN C. IBITOYE
KEVIN P. TODT
Assistant City Attorneys

October 17, 2024

The Honorable Common Council
of the City of Milwaukee
Room 205 - City Hall

RE: Communications from SEAN McDANIEL
C.I. File No. 1053-2024-656

Dear Sir or Madam:

Sean McDaniel alleges that the City of Milwaukee Forestry section was negligent while removing a tree from a vacant lot at 3317 North Buffum Street in February, 2022. He claims the City crew dropped a tree on his property at 3307 North Buffum Street, causing damages to his fence, porch, and gutter. He is seeking \$25,275.00.

This notice of claim was filed on April 4, 2024. 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 an investigation into this matter with the Department of Public Works (DPW) – Forestry section, and the Department of Neighborhood Services (DNS). Forestry records indicate that on January 28, 2022, tree workers from Asplundh Tree Service, contracted by the City of Milwaukee, removed two declining Ash trees from the City of Milwaukee owned vacant lot at 3317 North Buffum Street. Forestry has no record of Mr. McDaniel contacting them at any point before or after the trees were removed. Asplundh submitted photos before and after the trees were removed. There is no evidence of property damage in the photos, and none reported by Asplundh.



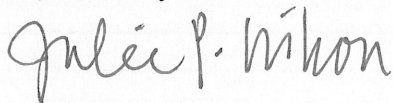
The Honorable Common Council
Of the City of Milwaukee
October 17, 2024
Page Two

DNS has no records of calls or complaints regarding this location. There is no evidence that the City of Milwaukee is liable for damages in this case. Therefore, we recommend the claim be denied.

Very truly yours,



EVAN C. GOYKE
City Attorney



JULIE P. WILSON
Deputy City Attorney

ECG/JPW/PK/cdr

Enclosures

1053-2024-656/294087