

GRANT F. LANGLEY
City Attorney

VINCENT D. MOSCHELLA
MIRIAM R. HORWITZ
ADAM B. STEPHENS
MARY L. SCHANNING
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

STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
GREGG C. HAGOPIAN
ELLEN H. TANGEN
JAY A. UNORA
KATHRYN Z. BLOCK
KEVIN P. SULLIVAN
THOMAS D. MILLER
JARELY M. RUIZ
ROBIN A. PEDERSON
JEREMY R. MCKENZIE
PETER J. BLOCK
NICHOLAS P. DESIATO
JOANNA GIBELEV
JENNY YUAN
KAIL J. DECKER
ALLISON N. FLANAGAN
LA KEISHA W. BUTLER
PATRICK J. LEIGL
HEATHER H. HOUGH
ANDREA J. FOWLER
PATRICK J. MCCLAIN
NAOMI E. GEHLING
CALVIN V. FERMIN
BENJAMIN J. ROOVERS
Assistant City Attorneys

October 18, 2016

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

Re: C.I. File No. 1068-2016-1745
Communication from: Scott and Viola English
1041 South 22nd Street, Lower
Milwaukee, WI 53204

Dear Council Members:

Scott and Viola English allege that on July 21, 2016 they sustained damages when a City tree fell onto their vehicle at 1041 South 22nd Street. Claimed damages total \$9,165.69.

Forestry Section records indicate that on July 21, 2016 they responded to a call regarding a “broken branch down on a car” at 1033 South 22nd Street. Upon arrival, their crew found that an approximately 14-inch diameter 25-foot long branch from a 21-inch diameter Norway Maple street tree had broken and landed on the claimant’s vehicle. The branch was alive with exterior decay. It was in an area not visible to the Section’s drive-by survey.

Forestry notes that on July 21, 2016 Milwaukee experienced a storm with .51 inches of rain. The peak wind speed was 45 miles per hour. They responded to numerous calls for broken branches and other storm related issues. They also reviewed their records for the last 6 years at this location and found no other requests for service. The trees in this area are on a regular pruning schedule and were last pruned in March 2011. No decay was noted at that time for this tree.



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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:cdr

Enclosure

c: Ian Brown (Forestry)

1068-2016-1745/233641