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September 24, 2018

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

Re: Communication from Alicia D. Bean
C.I. File No. 1068-2018-1662

Dear Council Members:

Enclosed please find a proposed resolution. We ask that it be introduced and referred to the Committee on Judiciary & Legislation, with the following recommendation.

On May 4, 2018 Alicia Bean's 2015 Chevy Impala, legally parked, was crushed by a large Silver Maple tree branch. She alleges that no weather conditions were present at the time that would have caused a tree branch to fall in this manner. She further alleges that a resident in the same area had previously complained to the City about this same tree. Ms. Bean claims damages of \$27,125.00 for property damages.

Forestry section investigated this matter. On the date of the incident, the City experienced wind gusts reaching 45 mph. The tree and branch were alive, but the branch did have signs of internal decay. On the day of the incident, Forestry responded to multiple requests regarding broken branches down from City trees.


The Forestry section, in review of their call records, received one previous service request about the tree in question, for the six years preceding this incident. Forestry Section investigation concluded that no reasonable or prudent action on its part could have foreseen or prevented the tree branch from falling onto Ms. Bean's automobile.



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In that there is no evidence that the City was negligent in this matter, the City would not be liable for damages the occurred to Ms. Bean's automobile on May 4, 2018. Therefore, we recommend that this claim be denied.

Very truly yours,



GRANT F. LANGLEY
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Enclosure

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