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September 12, 2023

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

RE: Communication from CHANETTA DOXY
C.I. File No. 1068-2023-956

Dear Sir or Madam:

Ms. Chanetta Doxy alleges that on March 10, 2023, a city tree branch fell on her property located at 4072 N. 40th Street. Ms. Doxy has submitted a damage claim in the amount of \$7,782.53 for repairs to her fence, awning, railing to side door, and vehicle.

Our investigation revealed that on March 10, 2023, Forestry Section responded to a request for service regarding a tree down, and noted that the tree branch was already removed from the vehicle. The crew confirmed damages to the vehicle and fence and removed the branch. The subject tree was a 36" Elm tree that appeared healthy. The branch that failed was alive and there was no visible evidence of decay at the point of failure.

Further investigation reveals that on March 9-10, 2023, the City experienced an accumulation of 10.7 inches of snow, winds averaging 12.4 MPH, with sustained speeds of 22MPH and peak wind gusts to 30MPH as reported at General Mitchell. Forestry Section reported they received 1,142 calls for broken branches and other storm related issues that day.

It is our view that the tree failure was not a result of any negligence caused by the City Forestry Section. Accordingly, we recommend that the claim be denied.

Very truly yours,

A handwritten signature in black ink, appearing to read "Tearman Spencer".

TEARMAN SPENCER
City Attorney

A handwritten signature in black ink, appearing to read "J.L. Williams".

JENNIFER L. WILLIAMS
Deputy City Attorney

TS/JLW/MTG/cdr

Enclosure

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