

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRLICH
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
THOMAS D. MILLER
JARELY M. RUIZ
ROBIN A. PEDERSON
CHRISTINE M. QUINN
MARGARET C. DAUN
JEREMY R. MCKENZIE
MARY L. SCHANNINS
PETER J. BLOCK
NICHOLAS P. DESIATO
Assistant City Attorneys

September 7, 2012

Mildred Mia Weston
3547 North 12th Street
Milwaukee, WI 53206

RE: Mildred Mia Weston
C.I. File No.: 12-S-185

Dear Ms. Weston:

We have received your claim in the amount of \$2,576.00, relating to damage allegedly sustained to your vehicle on July 17, 2012 when a branch from a City tree fell onto it while it was parked at/near 38th and Elmhurst.

Our investigation reveals that the Forestry Section records indicate that on July 17, 2012 they received and responded to a service request to remove a broken branch down on a car at 4065 North Elmhurst Road. Upon arrival, their crew found that a 16-inch diameter 20 foot long branch had broken from a 26-inch diameter Norway Maple street tree and fallen onto a vehicle parked in front of 4076 North Elmhurst Road. The branch was alive and had signs of internal decay which was not visible from the outside. It was removed by them that day. The tree has been marked for removal due to the compromised crown and decay revealed from the loss of the large branch.

The Section also noted that the City experienced windy conditions on July 17, 2012 and that the peak wind speed was 46 miles per hour. They responded to numerous requests regarding broken branches and downed trees on that day. The Section reviewed their records for the last 5 years and found no complaints or requests for this tree. The trees in this area are on a regular pruning schedule and were last pruned in April, 2008.

There is no evidence that the City was negligent in this matter. As such, the City would not be liable. Therefore, we are denying your claim.

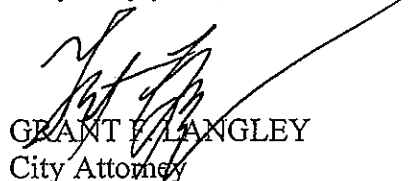
OFFICE OF THE CITY ATTORNEY

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

Mildred Mia Weston
September 7, 2012
Page 2

If you wish to appeal this decision, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,



GRANT F. LANGLEY
City Attorney

Steven M. Carini

STEVEN M. CARINI
Investigator Adjuster

SMC:ms
1068-2012-1996:184355