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August 4, 2021

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

Re: C.I. File No. 1068-2021-575
Communication from: Elijah Jasper Johnson
5136 West Roosevelt Drive, Unit #4
Milwaukee, WI 53216

Dear Council Members:

Elijah Jasper Johnson alleges that on May 1, 2021 around 7:00 p.m. he sustained damages when a City tree fell onto his vehicle while it was parked at/near the block of 53rd and West Townsend Street. Our independent appraiser determined the damages to be \$5,056.83.

The Forestry Section records indicate that on May 1, 2021 around 7:00 p.m. an after-hours emergency crew received a call for a broken branch down blocking the street. They responded that day and found that a branch from a Linden street tree at 5132 West Townsend Street had broken and fallen. The branch was alive with decay which was not visible from the outside. They removed the branch. Due to the extent of the damage, the tree will be completely removed later this summer. The vehicle had been moved from the site before the crew arrived.

The Section notes that Milwaukee experienced a rain event with peak wind speeds of 49 miles per hour and trace amounts of water on May 1, 2021. They also reviewed their records for the last 6 years at this location for tree-related issues and found, prior to this incident, no other requests for service. The trees in this area were on a 10 year pruning schedule and were last pruned in December 2015.



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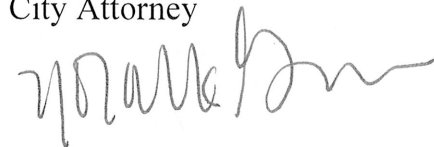
There is no evidence that the City was negligent. The City would not be liable.
Therefore, we recommend that this claim be denied.

Very truly yours,



TEARMAN SPENCER

City Attorney



YOLANDA Y. MCGOWAN

Assistant City Attorney

YYM/cdr

Enclosure

c: Jeffrey Kluslow (Forestry)

1068-2021-575/275784