

January 8, 2009

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

RE: Brian & Jo Ellen Wichman
Claim No. 48A42729
C.I. File No. 05-S-223

Dear Council Members:

We return the enclosed document which has been filed with the City Clerk and ask that it be introduced and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimant, Allied Insurance Company, 3820 109th Street, Dept. 2004, Des Moines, IA 50391-2004, relating to subrogation interests and their interests of their insured, Brian and Jo Ellen Wichman, 1572 Sherwood Drive, Cedarburg, WI 53012, alleges that on or about June 26, 2005 they sustained damages to their 2002 Pontiac Sunfire when a large tree limb fell from a City tree and struck the vehicle while parked at/near the intersection of Linwood and Frederick in the City of Milwaukee, WI. They claim damages in the amount of \$5,264.00.

Our investigation reveals that the Forestry Division was notified of a broken branch down at 2320 East Linwood on June 27, 2005. The Forestry Division records noted they removed the limb. Prior to this incident the tree was alive, healthy and the branch showed no signs of decay. The Forestry Division followed their normal and customary procedures with the subject tree and there was no way the division could have foreseen nor prevented this loss. Since this City was no negligent in this matter, it cannot accept liability, as such; we recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney
JAS/ms
Enclosure
5084
1068-2005-2139:97351