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April 26, 2013

*Mailed  
5-3-13*

Mr. Warren Harrington  
3238 North Richards Street  
Milwaukee, WI 53212

RE: C.I. File No. 1068-2013-1010  
Communication from WARREN HARRINGTON

Dear Mr. Harrington,

We have received your claim for the amount of \$1,071.84 as a result of a tree branch falling onto your vehicle parked at 3238 North Richards Street.


The Forestry Department reports on February 27, 2013 the City of Milwaukee experienced windy conditions with peak wind gusts reaching 30 mph, and a snow depth accumulation of 5 inches. As a result of the windy conditions, the Forestry Department received numerous requests to remove broken branches and downed trees. The Forestry Department responded to 3238 North Richards Street and found a branch from a Honey Locust tree had broken off and fallen onto your vehicle. The crew removed the branch, photographed the damage and completed a property damage report.

Upon inspection of the tree, the fallen tree limb was found to be alive and did not have any signs of decay. The last cycle of pruning for this particular tree occurred in November 2009. The Forestry Department did not receive any complaints or service requests regarding any defects, potential hazards, or decay in this tree for the five years preceding this incident. Based on this information, the tree limb in question fell from a live tree during conditions of severe winds. Because these damages were caused through no fault or negligence of the City of Milwaukee, the city cannot be held liable. Accordingly, we are denying your claim.


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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 E. LANGLEY  
City Attorney



KARI GIPSON  
Investigator Adjuster

KBG:cdr

1068-2013-1010/191517