

**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**  
**DAVID J. STANOSZ**  
**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**  
**MEGAN T. CRUMP**  
**ELOISA DE LEÓN**  
**ADAM B. STEPHENS**  
**KEVIN P. SULLIVAN**  
**BETH CONRADSON CLEARY**  
**THOMAS D. MILLER**  
**JARELY M. RUIZ**  
**ROBIN A. PEDERSON**  
**DANIELLE M. BERGNER**  
**CHRISTINE M. QUINN**  
Assistant City Attorneys

November 18, 2010

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

Re: Resolution Relating to the Claim of DIANE E. WILLIAMS  
C.I. File No. 10-L-137

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, Diane E. Williams, 408 West Wright Street, Milwaukee, WI 53212, alleges that on October 26, 2010 she sustained damages when a City tree branch broke off and fell onto her vehicle which was parked at the southwest corner of North 4<sup>th</sup> Street and West Wright Street. She claims damages in the amount of \$5,537.81.

Our investigation reveals that the Forestry Section records indicate that on October 26, 2010, they received and responded to a call of a large, broken branch down on a car at 408 West Wright Street. Upon arrival, their crew found that a 6-inch diameter by 20-foot long branch from an Elm tree located in the City right-of-way had fallen. The tree and branch were alive. There was some associated deadwood with the branch. The tree and branch had no decay evident. The Section also noted that at the time of the loss, the City was experiencing windy conditions with a peak wind speed of 61 mph. In addition, in keeping with the cyclical pruning of all trees in this area, the tree was last pruned in 2005 and no outward signs of decay were evident. Finally, the Section also reviewed their records for the previous 5 years and found only a request in June, 2007 to remove a broken branch hanging from this tree. This was done at that time. There were no other complaints or

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service requests for this tree. There is no evidence that the City was negligent in this matter. As such, the City would not be liable. Therefore, we recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:ms  
Enclosure  
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