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August 4, 2011

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

Re: Resolution Relating to the Claim of SCOTT and MARGO MEIER
C.I. File No. 11-L-45

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.

Claimants, Scott and Margo Meier, 5615 West Martin Drive, #306, Milwaukee, WI 53208, allege that on/about May 16, 2011 their vehicle was damaged by a City tree falling on it while parked at 5602 West Martin Drive. They claim damages in the amount of \$6,563.93.

Our investigation reveals that the Forestry Section was notified of a tree down on a car on May 15, 2011 at the noted location. The responding crew found a City tree was uprooted and had fallen on the claimants' car. They removed the tree from the vehicle. The Forestry Section's records further noted they responded to numerous requests regarding broken branches due to the windy conditions that day.

The Forestry Section reviewed its records and found the trees in this area were last pruned in January, 2006 pursuant to the City's cyclical pruning program. On May 15, 2011, the tree was found to be alive, but showed signs of below ground decay. This below-ground decay, unfortunately, could not have been noted in Forestry Section's review of trees. In addition, the Forestry Section records showed they had not received any complaints, service requests regarding any potential hazards for the preceding five years.

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The City had no notice of the root condition and this loss occurred during windy conditions, based on these facts, we recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY
City Attorney

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Assistant City Attorney

JAS:ms
Enclosure
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