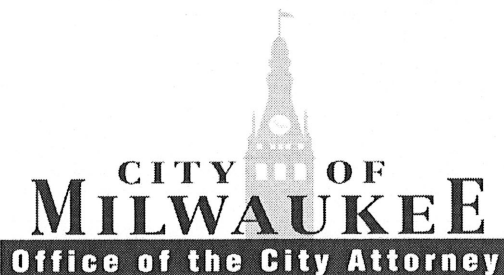


GRANT F. LANGLEY
City Attorney

MIRIAM R. HORWITZ
ADAM B. STEPHENS
MARY L. SCHANNING
JAN A. SMOKOWICZ
Deputy City Attorneys



Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551
Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

SUSAN E. LAPPEN
PATRICIA A. FRICKER
HEIDI WICK SPOERL
GREGG C. HAGOPIAN
ELLEN H. TANGEN
JAY A. UNORA
KATHRYN Z. BLOCK
KEVIN P. SULLIVAN
THOMAS D. MILLER
ROBIN A. PEDERSON
JEREMY R. MCKENZIE
PETER J. BLOCK
JOANNA FRACZEK
JENNY YUAN
KAIL J. DECKER
ALLISON N. FLANAGAN
PATRICK J. LEIGL
HEATHER H. HOUGH
ANDREA J. FOWLER
PATRICK J. MCCLAIN
NAOMI E. GEHLING
CALVIN V. FERMIN
BENJAMIN J. ROOVERS
ELLENY B. CHRISTOPOULOS
RACHEL S. KENNEDY
TYRONE M. ST. JUNIOR
HANNAH R. JAHN
SAVEON D. GRENELL
JULIE P. WILSON
GREGORY P. KRUSE
Assistant City Attorneys

November 2, 2018

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

Re: Communication from Shirlean Clayton
C.I. File No. 1068-2018-1750

Dear Council Members:

Enclosed please find a proposed resolution. We ask that it be introduced and referred to the Committee on Judiciary & Legislation, with the following recommendation.

Ms. Clayton alleges that trees growing from the City-owned property at 3517 N. 23rd Street caused damage to her rental property at 2316A W. Keefe Avenue. Ms. Clayton is seeking \$17,140.00 for property damages and lost rent.

The Forestry section investigated this matter. The City did not acquire the 3517 N. 23rd Street property until December 18, 2017. The branches of the City-owned tree in question were in contact with Ms. Clayton's property, but property owners have the right to cut back branches to their property line, and Ms. Clayton could have done so before December 2017.

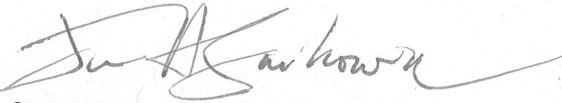
On March 2, 2018, Forestry received a request from Ms. Clayton regarding the tree at 3517 N. 23rd. A Forestry technician met with Ms. Clayton and verified that the branches from the City-owned trees were contacting the Keefe Avenue property. The trees were removed on June 16, 2018.

There is no evidence that the City was negligent in this matter and the City would not be liable for the damages that occurred. In addition, Ms. Clayton's notice of claim was untimely. Therefore, we recommend that this claim be denied.

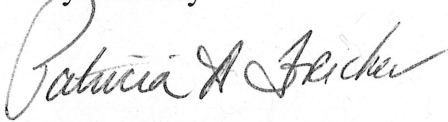


Honorable Common Council
November 2, 2018
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Very truly yours,



for
GRANT F. LANGLEY
City Attorney



PATRICIA A. FRICKER
Assistant City Attorney

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Enclosure

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