

William and Linda Kirchen
521 N. 92nd Street
Milwaukee, WI 53226
lindakirchen@gmail.com
414-698-8806

CITY OF MILWAUKEE
2022 MAR 11 AM 6:36
CITY CLERK'S OFFICE

City of Milwaukee
Office of the District Attorney
200 E. Wells St.
Suite 800, Milwaukee City Hall
Milwaukee, WI 53202

March 7, 2022

OFFICE OF CITY ATTORNEY
16 MAR '22 PM 12:58

Dear Tearman Spencer,

We are in receipt of your letter dated February 23, 2022 in regards to the denial of our claim for damage done to our property at 1117-1119 S. Layton Blvd from a city tree on August 24, 2021. You claim that it was solely the result of a bad weather storm that the city experienced on that day. While that is true that there was a bad storm the problem with the trees is that they have not been properly trimmed and more prone to breaking during a storm.

My friend John Schnapp owned the house at 1117-1119 Layton Blvd previously to us owning the house. He owned the house up and until he passed away in October of 2020. We purchased the house in Spring of 2021. Previously to purchasing the house, I personally was taking care of Mr. Schnapp on a daily basis during the last eight months of his life from March 2020 through October 2020. I was at his home every day. I know the house and the property very well. The trees outside of his property at the time were not trimmed properly back in 2020. In fact, Mr. Schnapp had called the city complaining during that time period but nothing was done about it.

In my estimation because of the negligence of the city to act on his request tree branches fell not solely because of the storm but because the trees were not properly trimmed by the City of Milwaukee.

After the storm of August 24, 2021 wherein the branches fell on our railing and fence, I called the city again to have them come out and check out the trees. Not just to have the branches removed that fell but to inspect the trees again. I called the city because the trees still need to be trimmed and cut way back. Once again the city did nothing. I am providing the response I received from the city in regard to my request. While the city did send out an inspector this time they do not believe that the trees need to be cut back or trimmed. I am not sure what these city workers are seeing but they are not seeing clearly. The branches need to be trimmed right away. If there is another storm the branches will fall on the house. I am documenting this in this letter to you just in case and when this happens. Because it will. The branches on the trees in front of our property at 1117-1119 S. Layton Blvd desperately need trimming today!!

I am appealing your decision.

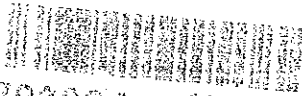
Thank you in advance for your attention to this matter,

Kind regards,


William Kirchen

P.S. I am requesting a hearing
WK.

Address: 1117 S. GAYTON BL. C
Called In By: William Albrecht
Phone No.: H(414) 688-9905
Aid Dist: 3
Complaint: Iron tree
Iron needed for city tree



4702096 09/27/2001

QSEC 435

REQ# 0

Disposition and date work will be done: 22 Nov 2001
adequate clearance. Iron structure. Fencing Dept will continue to
monitor during annual survey

Top - Return to Office Bottom - Occupant's copy	Date Completed	Reported by
	10-4-21	DT

SERVICE REQUEST
City of Milwaukee - Division of Forestry

U.K. 10/92

CITY OF MILWAUKEE

2022 MAR 11 AM 6:36

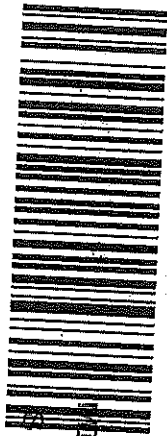
CITY CLERK'S OFFICE

Wm. Michael
521 N. 9th St
Milwaukee WI

Milwaukee City Clerk

3220
900 E. Wells St. Room 205
Milwaukee, WI 53202

7021 2720 0000 1722 8308



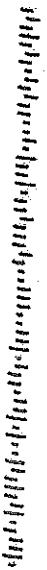
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53202

U.S. POSTAGE PAID
FORM LETTER
MILWAUKEE, WI
53226
MAR 08 22
AMOUNT
\$4.53
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TEARMAN SPENCER
City Attorney

CELIA M. JACKSON
Special Deputy City Attorney

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JENNIFER T. DEMASTER
JOHN D. MCNALLY
STACY J. MILLER
Assistant City Attorneys

February 23, 2022

Linda and William Kirchen
521 North 92nd Street
Milwaukee, WI 53226

*Mailed
2-28-2022*

RE: Communication from Linda and William Kirchen
C.I. File No. 1068-2021-1433

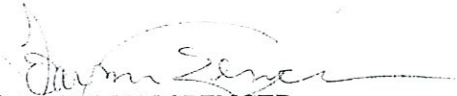
Dear Linda and William Kirchen:

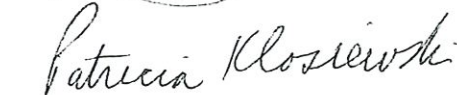
We have received your claim in the amount of \$2,123.14, relating to damage sustained to your fence located at 1117 South Layton Boulevard on August 24, 2021, when a branch from a city tree fell on it. A city forestry crew was routed to the location, where they found a branch from the city tree had fallen on the fence on the property. The branch was removed and the subject tree was found to be healthy with no visible signs of decay.

According to the National Weather Service, Milwaukee sustained winds averaging 6.1 MPH with peak wind gusts to 47 MPH on August 24, 2021. The Milwaukee Forestry Department received 162 calls for broken branches and other storm related issues from that event. It is our view that the branch failure in this case is related to the extreme weather on that day, and was not caused by the negligence of the City of Milwaukee. Therefore, we cannot accept liability and we are denying your claim.

If you wish to appeal this decision, you may do so by sending a written statement requesting a hearing within 21 days of the postmarked date of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202. Please include a photocopy of this letter's envelope, showing the postmark, and retain the original in the event further proof is needed.

Very truly yours,


TEARMAN SPENCER
City Attorney


PATRICIA KLOSIEWSKI
Investigator Adjuster

PK/cdr

1068-2021-1433/279082



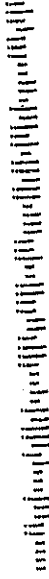
**CITY OF
MILWAUKEE**
Office of the City Attorney
OFFICE OF THE CITY ATTORNEY

800 City Hall
200 East Wells Street
Milwaukee, Wisconsin 53202-3651

Linda and William Kirchen
521 North 92nd Street
Milwaukee, WI 53226



3AP2655B 53226



[Handwritten notes and signatures]

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