

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
Assistant City Attorneys

October 27, 2010

Daniel Sweeney
6521 North Sunny Point Lane
Glendale, WI 53217

RE: C.I. File No.: 10-S-338

Dear Mr. Sweeney:

We have received your claim in the amount of \$1,638.00, relating to damage allegedly sustained in late June or early July, 2010, when a tree, allegedly owned by the City, located on the property at 2648 North 49th Street fell onto your property located at 2654 North 49th Street.

Our investigation reveals that the Forestry Division records indicate that they inspected the tree, a 29-inch diameter Norway Maple, on June 22, 2007 and determined that it was hazardous due to a split in the main trunk. They tagged it and notified the owner, Seed Time Harvest, LLC by recorded mail that the hazard required abatement within 30 days by either removal of the affected branches or securing the tree by bolting and cabling. The owner was also given the option of having the City remove the tree and applying the cost to the property tax bill.

The owner did not contact the Division. On July 26, 2007, they inspected the tree and found that no action had been taken to abate the hazard. Subsequently, they hired a private contractor, by low-bid process, to bolt and cable the tree. This was done on August 10, 2007. It is a long term solution recommended by the International Society of Arboriculture and the Wisconsin Arborist Association.

The tree failed again on July 1, 2010. The Division inspected the tree and found that the original bolt was still intact. Due to the recent damage, they tagged the tree for removal. On July 7, 2010, they sent a notice to Seed Time Harvest, LLC to have the tree removed within 30 days. This was done.

Daniel Sweeney
October 27, 2010
Page 2

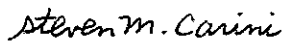
There is no evidence that the City was negligent in this matter. As such, the City would be not liable. Therefore, we are denying your claim.

If you wish to appeal this decision, you may do so by sending a letter within 21 days of the date of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,

A handwritten signature in black ink, appearing to read "Grant F. Langley".

GRANT F. LANGLEY
City Attorney

A handwritten signature in black ink, appearing to read "Steven M. Carini".

STEVEN M. CARINI
Investigator Adjuster

SMC:ms
1068-2010-2692:162719