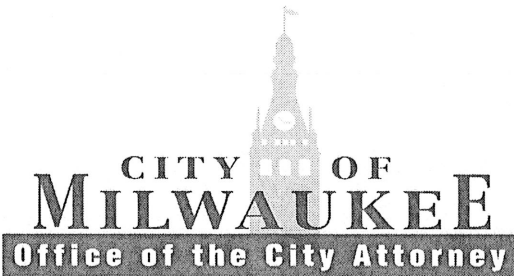


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December 21, 2022

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

RE: Communication from Allstate on behalf of Euranna Odom  
C.I. File No. 1068-2022-1198

Dear Sir or Madam:

Allstate Insurance has presented a claim on behalf of their insured, Euranna Odom regarding property damage sustained to a 2012 Chevrolet Tahoe, on June 24, 2022, when a City tree branch fell on it located at 5822 N. 35th Street. Allstate has submitted a damage claim for \$11,843.09.

We have completed our investigation into this matter. The Forestry Division reported that on June 25, 2022, they received a request for emergency services regarding an insect infested tree, located at 5822 N. 35th Street, which was leaning over enough to have fallen. The Forestry On-Call crew responded to the location and upon arrival, the crew observed the vehicle owner removing a branch from a vehicle that fell from a privately owned tree, and not a City tree. The request for service did not mention any vehicle involvement.

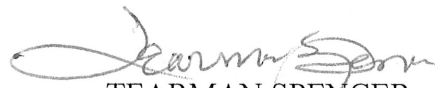
Further investigation reveals that the tree is growing inside the walk between the City sidewalk and the house located at 5822 N. 35th Street. The City easement is 18-feet from the face of the curb that measures 1-foot inside the house side of the sidewalk and the tree originated outside of this measurement. While the tree may have been self-planted, the tree grew into the city's right-of-way, without the city's knowledge. Several trees become a part of the city's inventory after the owner inquires about the tree, however, there were no records of any calls received regarding the ownership of the subject tree.



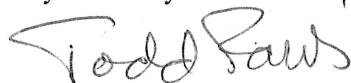
To the Honorable Common Council  
Of the City of Milwaukee  
December 21, 2022  
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It is our view that the tree is a privately owned tree, and the branch failure was not a result of any negligence caused by the City Forestry Division. Therefore, we cannot accept liability for damages, and we recommend that the claim be denied.

Very truly yours,



TEARMAN SPENCER  
City Attorney



S. TODD FARRIS  
Deputy City Attorney

STF/MG/cdr

1068-2022-1198/282989