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January 28, 2025

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

Re: Communication from EITAN HERSKOVITZ
C.I. File No. 1068-2024-2047

Dear Council Members:

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

Eitan Herskovitz alleges the city is negligent for damages that occurred on October 31, 2024, when a large city tree branch fell on his 2015 Toyota Sienna and caused damages while it was parked in his driveway located at 3234 N. 49th Street.

We have completed an investigation into this matter with the Forestry Section. On October 31, 2024, a Forestry crew responded to an emergency request regarding a tree down on a vehicle at 3234 N. 49th Street, and confirmed damages to the roof, mirror, both doors and lift gate of the claimant's vehicle. The tree branch was removed.

The subject tree was a Norway maple tree 15" diameter, 20' long and was alive and decay was visible and evident by mushroom growth. The tree appeared to have been struck by a large vehicle, which could have contributed to the decay access point. The tree was last pruned in June of 2015, and the last inspection took place in December of 2023. Quarter section 288 is on the new 5-year inspection cycle and the next inspection cycle of all trees in this quarter section will take place in 2027.

City Appraisers inspected the vehicle and declared the vehicle a total loss, and the actual cash value is \$15,750.



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Further examination to determine the tree's overall disposition with special equipment during the last inspection may have minimized or prevented further damage. As such, we recommend the claim be approved for payment.

Very truly yours,



EVAN C. GOYKE
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ECG/NES/MTG/cdr

Enclosure

1068-2024-2047/295705