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January 20, 2015

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

Re: Communication from PROGRESSIVE UNIVERSAL INSURANCE CO.
on behalf of ZACHARY JONES
C.I. File No. 1068-2014-2704
Their Claim No. 14-4929279

Dear Council Members:

Claimant, Zachary Jones, 1825 East Bennett Avenue, Milwaukee, WI 53207 alleges through Progressive Universal Insurance Company, by its representative, Richard Berlan, P.O. Box 512929, Los Angeles, CA 90051-0929, as subrogee, that on June 17, 2014 they sustained damages when a City tree fell onto a vehicle at 1825 East Bennett Avenue. They claim damages in the amount of \$6,591.17.

The Forestry Section indicates that on June 17, 2014 at 6:45 a.m. they responded to a "tree down on a car" call at 1822 East Bennett Avenue. A 25 inch diameter Little Leaf Linden street tree was uprooted and had fallen onto the car. The tree was alive with decay which was not visible from the outside. The curb and sidewalk had been removed and replaced with new concrete by a private contractor as part of a street repaving project between April 11 and June 12, 2014, and the Forestry inspector during that project determined that the amount of tree roots removed by the private contractor during these operations was not significant enough to warrant a preventative removal of the tree.

The City experienced rainy and windy conditions on June 16 and 17, 2014. The amount of rain was 1.1 inches, and the peak wind gust was 49 miles per hour. Forestry responded to numerous requests regarding broken branches and downed trees. Forestry reviewed their records for the last five years for this location and found no other complaints or requests for service. The trees in this area are on a regular pruning schedule and were last pruned in July 2011.



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

Very truly yours,

GRANT F. LANGLEY
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PATRICIA A. FRICKER
Assistant City Attorney

PAF:cdr

Enclosure

1068-2014-2704/211415