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December 1, 2015

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

Re: Communication from JAMES KOLMAN
230 East Gauer Circle, Milwaukee, WI 53207
C.I. File No. 1068-2015-2540

Dear Council Members:

Claimant, James Kolman, alleges that on July 17, 2015 a City tree fell onto his vehicle. Claimed damages total \$7,681.50.

Forestry Section records indicate that on July 17, 2015 they received a call for a tree blocking a driveway at 240 East Gauer Circle. They responded that day and found that a 28-inch diameter branch had broken off a 45-inch diameter American Elm tree at 230 East Gauer Circle. The branch landed on a vehicle at this address and on a roof at 240 East Gauer Circle. The branch was dead with decay which was not outwardly visible. They removed the branch, and scheduled the tree for removal.

The Forestry Manager did indicate to the home owner that because of the tree's recent infection of Dutch Elm disease, the tree would have been noted for removal during Forestry's annual "dead and hazard" tree survey. But, the survey crew had not yet reached this area to identify this tree. Nothing unusual was noted in the 2014 survey.



To the Honorable Common Council
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Page Two

Forestry also noted that the City experienced stormy conditions on July 16, 2015, with peak wind gusts of 25 miles per hour. A line of thunderstorms moved through the City, with 0.46 inches of rain. Forestry responded to numerous requests concerning tree damage. They also reviewed their records for the last 5 years and found no other service requests for tree-related issues at this location. The trees in this area are on a regular pruning schedule and were last pruned in February 2012. This tree was inspected then and found to not be a hazard.

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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Assistant City Attorney

PAF:cdr

Enclosure

1068-2015-2540/222855