GRANT F. LANGLEY

City Attorney

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October 18, 2016

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

Re: C.I. File No. 1068-2016-1745

Communication from: Scott and Viola English

1041 South 22nd Street, Lower

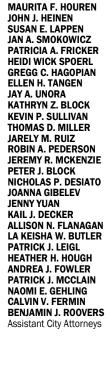
Milwaukee, WI 53204

Dear Council Members:

Scott and Viola English allege that on July 21, 2016 they sustained damages when a City tree fell onto their vehicle at 1041 South 22nd Street. Claimed damages total \$9,165.69.

Forestry Section records indicate that on July 21, 2016 they responded to a call regarding a "broken branch down on a car" at 1033 South 22nd Street. Upon arrival, their crew found that an approximately 14-inch diameter 25-foot long branch from a 21-inch diameter Norway Maple street tree had broken and landed on the claimant's vehicle. The branch was alive with exterior decay. It was in an area not visible to the Section's drive-by survey.

Forestry notes that on July 21, 2016 Milwaukee experienced a storm with .51 inches of rain. The peak wind speed was 45 miles per hour. They responded to numerous calls for broken branches and other storm related issues. They also reviewed their records for the last 6 years at this location and found no other requests for service. The trees in this area are on a regular pruning schedule and were last pruned in March 2011. No decay was noted at that time for this tree.



STUART S. MUKAMAL

THOMAS J. BEAMISH



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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
City Attorney

PATRICIA A. FRICKER Assistant City Attorney

PAF:cdr

Enclosure

c: Ian Brown (Forestry)

1068-2016-1745/233641