City of Racine, Wisconsin
Common Council

AGENDA BRIEFING MEMORANDUM

INTRO TO COUNCIL DATE: November 18, 2025

STANDING COMMITTEE DATE: November 24, 2025

FINAL ACTION COUNCIL DATE: December 2, 2025

DEPARTMENT: **City Attorney's Office**

Prepared By: **Deputy City Attorney Marisa Roubik**

SUBJECT: Communication sponsored by Alder Land on behalf of the City Attorney's Office submitting the claim of Jerry Price and Danielle Thomas for consideration for disallowance.

EXECUTIVE SUMMARY:

Jerry Price and Danielle Thomas filed a claim with the City Attorney's Office requesting an unspecified amount in damages to their property at 2101 Fairview Terrace in Racine after a tree on their property allegedly fell on or about July 16, 2025. The tree in question did not belong to the City nor was it the City's responsibility to maintain this tree—this tree had grown in a wooded area at the rear of the claimants' property, behind a fence belonging to the claimants. As such, the City has no liability for the damages caused by this tree. Furthermore, this claim is not actionable against the City due to defects in the claim as filed, namely improper service of the claim and a failure to provide an itemized statement of the relief sought.

For the reasons set forth above, it is the recommendation of the City Attorney's Office that this claim be disallowed.

BACKGROUND & ANALYSIS:

Jerry Price and Danielle Thomas, of 2101 Fairview Terrace, Racine, Wisconsin 53403, filed a claim with the City Attorney's Office requesting an unspecified amount in damages to their property at the aforementioned address after a tree on their property allegedly fell on or about July 16, 2025.

When this tree fell, the claimants contacted the City, and members of the City's Forestry Division responded to the claimants' address in the course of cleaning up other storm damage throughout the City. Upon their arrival, the Forestry Division found the tree growing behind the claimants' fence, in an area filled with brush and other debris, and the Forestry Division was unable to ascertain where the property lines were located in order to determine whether the tree had been growing on the claimant's property or within the City's adjacent right of way at the dead end of the 2100 block of Fairview Terrace. Eering on the side of caution, the Forestry Division proceeded to remove the fallen tree for the claimants. However, upon closer examination of aerial maps of this property and its property lines, the City Forester plater determined that the tree in question was growing within the claimants' property lines, and said tree did not belong to the City nor was it the City's responsibility to maintain this tree.

A letter was subsequently sent to the claimants to inform them that the tree in question had grown on their property and that the City was not liable for any alleged damages caused by said tree.

Nonetheless, even if this tree had belonged to the City, this claim would not be actionable against the City due to defects in the claim as filed. Contrary to Wis. Stat. § 893.80(1d), the claimants failed to properly serve this claim on the City Clerk as required by state law. Moreover, this claim did not include an itemized statement of the relief sought as further required by Wis. Stat. § 893.80(1d). Therefore, the claimants do not have a right to take legal action against the City on this claim.

For the reasons set forth above, it is the recommendation of the City Attorney's Office that this claim be disallowed.

BUDGETARY IMPACT:

Assuming the recommendation to disallow this claim is adopted, this item would have a $0.00 impact on the City's budget.

RECOMMENDED ACTION:

That the disallowance of this claim be recommended for approval.
