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**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORANDUM

COMMITTEE: Finance and Personnel

LEGISLATION ITEM #: 0844-23

AGENDA DATE: August 28, 2023

DEPARTMENT: City Attorney's Office

Prepared By: Deputy City Attorney Marisa Roubik

SUBJECT: Communication sponsored by Alder West on behalf of the City Attorney's Office submitting the claim of Frank Coulter for consideration for disallowance.

EXECUTIVE SUMMARY:

Frank Coulter filed a claim with the City requesting \$1,412.20 for property damages allegedly arising from a tree limb that fell on his vehicle while it was parked behind the property at 1642 Washington Avenue, Racine, Wisconsin, or about July 27, 2023. There are no City-owned trees in the vicinity of this address. Therefore, the City is not responsible for the maintenance of the tree in question, nor is it liable for any damages caused by such tree. For this reason, it is the recommendation of the City Attorney's Office that this claim be disallowed.

BACKGROUND & ANALYSIS:

Frank Coulter filed a claim with the City requesting \$1,412.20 for property damages allegedly arising from a tree limb that fell on his vehicle while it was parked behind the property at 1642 Washington Avenue, Racine, Wisconsin, or about July 27, 2023.

Upon contacting the City's Parks Department, the City Attorney's Office was informed that there are no City-owned trees in the vicinity of 1642 Washington Avenue, Racine, Wisconsin. Furthermore, the City does not usually own or maintain trees located behind properties, which is where the claimant's vehicle was parked.

The City is not responsible for the maintenance of trees that are not City-owned. Nor is the City liable for any damages caused by such trees.

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

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34 **BUDGETARY IMPACT:**

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

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38 **RECOMMENDED ACTION:**

39 That the disallowance of this claim be recommended for approval.

40 _____

41 **ATTACHMENT(S):**