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December 1, 2014

Ms. Candice J. Carlsen  
3138 Orchard Street  
Springdale, AR 72764

RE: Claim for damages resulting from falling portion of a tree at Lake Fayetteville

Dear Ms. Carlsen:

Please accept our sympathies for the unfortunate accident on the Lake Fayetteville trail and your resulting injuries. The Fayetteville Chief of Staff reviewed the facts of your situation pursuant to his responsibilities under **§39.11 Damage Claims Other Than Water & Wastewater Damage Claims** of the Fayetteville Code.

The information in your claim indicates that on November 10, 2014, you were running on the trail at Lake Fayetteville during the noon hour when you were struck by portion of a tree that broke off and fell on the trail. Connie Edmonston, Director of Parks and Recreation, was advised of the accident shortly after it occurred and sent park maintenance staff to evaluate the tree damage and remove the limb from the trail. Staff observed that the top part of the tree had broken due to high winds and landed on the trail. According to weather records obtained from [www.weatherunderground.com](http://www.weatherunderground.com), wind speeds recorded at Drake Field around the noon hour on November 10 were sustained at speeds between 23 and 28.8 miles per hour with gusts between 36.8 and 40.3 miles per hour.

Trails are located in the natural environment which contains inherent risks. Excessively windy conditions in a wooded environment exacerbate these inherent risks. Parks staff members routinely identify and remove trees that appear to pose hazards to park and trail users. However, with over 60 miles of trails within the City, it is not feasible for City staff to identify every tree that poses a potential hazard, particularly during periods of excessive wind speeds. Furthermore, there was no indication that the tree was a potential hazard before the top of it broke off in the heavy wind.