

46

Entered - 07/21/99 - sb
CL99L0458 - DIANNE C. MITCHELL

00 - R - 0780

CLAIM OF: JO ANN KERBER
4615 Powers Ferry Road, NW
Atlanta, Georgia

For damages alleged to have been sustained as a
result of property damage in June, 1999 at 4615
Powers Ferry Road, NW.

THIS ADVERSED REPORT IS
APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

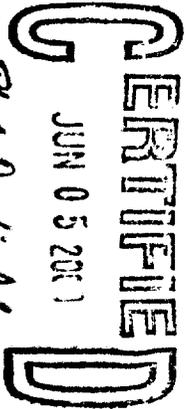
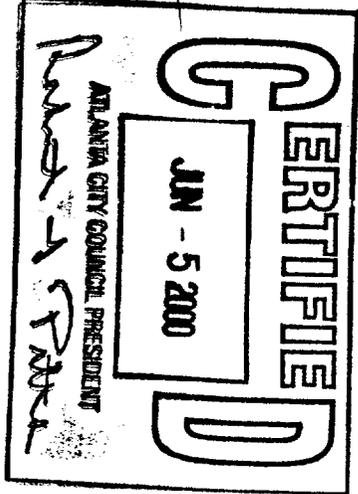
ADVERSE REPORT

COM. Public Safety

DATE 7/30/2000

CHM C. T. Martin

[Handwritten signatures]



ADVERSED BY
CITY COUNCIL JUN 05 2000

Rosalind Rubens Newell
MUNICIPAL CLERK



CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

June 15, 2000

Jo Ann Kerber
4615 Powers Ferry Rd., NW
Atlanta, GA

00-R-0780

Dear Ms. Kerber:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on June 05, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0458

Date: May 11, 2000

Claimant /Victim JO ANN KERBER
BY : (Atty) (Ins. Co.)
Address: 4615 Powers Ferry Road, NW, Atlanta, Georgia
Subrogation: Claim for Property damage \$ 120.00 Bodily Injury \$
Date of Notice: 07/12/99 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 06/99 Place: 4615 Powers Ferry Road
Department Public Works Division Street Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that her property was damaged during the repaving of her street. The investigation has determined that the claimant's property lies outside the corporate City limits. The claimant has been referred to Fulton County.

INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X
Pictures Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved X Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

[Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: [Signature] Concur/date 05-11-00
Committee Action: Council Action

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Mitchell
07/16/99
D

Today's Date: 7/5/99

ENTERED - 7-21-99 - SB
99L0458 - DIANNE MITCHELL

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 120.00 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: June P 1999 (month/day/year) 2. Time of Incident: morning 3. Police called: _____ Yes No

4. Location of incident (including street address): 4615 POWERS Fy. Rd. N.W.

5. Name of your insurance company: _____ Policy No. _____

6. State what and how incident occurred: The County was preparing the street for backtapping in front of our house, the machine they used dumped all the debris on my front yard. Killed my monkey grass. myfd. now had to go into the back yard get my monkey grass in back to place the ones in front yard. it took him from 9:15 AM - 7:00 P.M. of 7/5 as he was gone took \$30 more for his effort.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: _____
(Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employees).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Jo Ann Kerber
Signature of Claimant

Jo Ann Kerber
(Print Claimant's Name)

4615 Powers Ferry Rd. N.W.
(Address)

Atl Ga.
(City, State and Zip Code)

00-R-0780

(Work Number) (Home Number)

06/05/00 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-0590	39. 00-R-0775
2. 00-O-0677	40. 00-R-0776
3. 00-O-0712	41. 00-R-0777
4. 00-O-0752	42. 00-R-0778
5. 00-O-0592	43. 00-R-0779
6. 00-O-0593	44. 00-R-0780
7. 00-O-0594	45. 00-R-0781
8. 00-O-0625	46. 00-R-0782
9. 00-O-0666	47. 00-R-0786
10. 00-O-0673	48. 00-R-0787
11. 00-O-0722	49. 00-R-0788
12. 00-O-0724	50. 00-R-0789
13. 00-O-0725	51. 00-R-0790
14. 00-O-0730	52. 00-R-0791
15. 00-O-0589	53. 00-R-0792
16. 00-O-0713	54. 00-R-0793
17. 00-O-0714	
18. 00-O-0715	
19. 00-O-0716	
20. 00-R-0753	
21. 00-R-0794	
22. 00-R-0761	
23. 00-R-0719	
24. 00-R-0763	
25. 00-R-0764	
26. 00-R-0762	
27. 00-R-0765	
28. 00-R-0766	
29. 00-R-0768	
30. 00-R-0769	
31. 00-R-0770	
32. 00-R-0771	
33. 00-R-0772	
34. 00-R-0773	
35. 00-R-0774	
36. 00-R-0783	
37. 00-R-0784	
38. 00-R-0785	

RCS# 1981
6/05/00
2:45 PM

Atlanta City Council

Regular Session

CONSENT AGENDA PAGES (1 - 10)

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
B Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-0662
