

53

00-R-0790

Entered - 10/08/99 - sb  
CL99L0657 - MICHAEL A. REEVES

CLAIM OF: MARGARET WARNER BARKELY  
4539 N. Woodburn Street  
Shorewood, Wisconsin 53211

For damages alleged to have been sustained as a  
result of a vehicular accident on August 30, 1999  
at 1765 Homestead Avenue, NE.

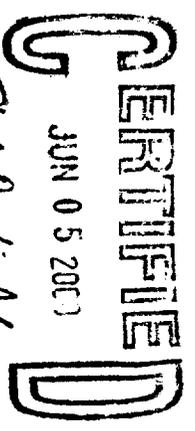
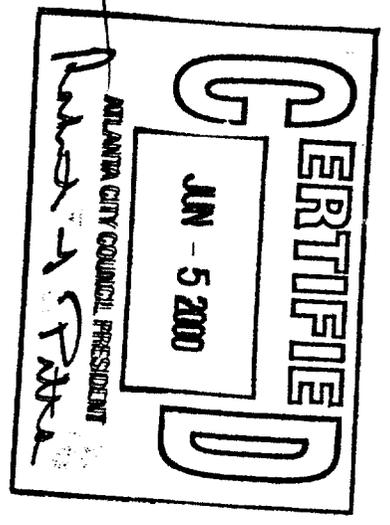
THIS ADVERSED REPORT IS  
APPROVED

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

REPORT

COM. Public Safety  
DATE 5/30/2000  
CHM. [Signature]

[Signature]  
[Signature]



Rosalind Rubens Newell  
MUNICIPAL CLERK

ADVERSED BY JUN 05 2000  
CITY COUNCIL



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

Margaret Warner Barkely  
4539 N. Woodburn Street  
Shorewood, Wisconsin 53211

00-R-0790

Dear Mr. Barkely:

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. 99L0657

Date: May 12, 2000

Claimant /Victim MARGARET WARNER BARKLEY
BY: (Atty) (Ins. Co.)
Address: 4539 N. Woodburn Street, Shorewood, WI 53211
Subrogation: Claim for Property damage \$ 2,223.45 Bodily Injury \$
Date of Notice: 10/01/99 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 08/30/99 Place: 1765 Homestead Avenue, NE
Department Public Works Division: Solid Waste Services
Employee involved Eric West Disciplinary Action: No Longer Employed

NATURE OF CLAIM: The driver of the City vehicle improperly backed into the claimant's vehicle causing damages in the above amount. However, the claimant has elected to receive payment for damages through her insurance carrier, see Claim Number 00L0064.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X 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 Offer rejected Compromise settlement
Repair/replacement by Ins. Co. X Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,

[Signature]
INVESTIGATOR - DIANNE C. MITCHELL

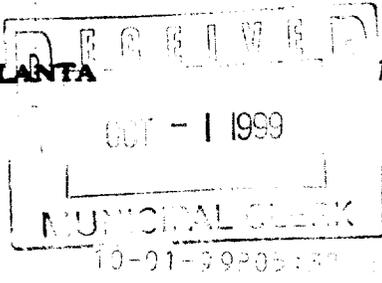
RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: [Signature] Concur/date 05-12-00
Committee Action: Council Action

09/08/1999 10:07 484658708

Reeves  
10/04/99  
M

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



RE: CLAIM FOR DAMAGES

Today's Date: 9/8/99

ENTERED - 10-8-99 - SB  
99L0657 - MIKE REEVES

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 2,223.45 property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

- 1. Date of incident: 8/30/99 (month/day/year)      2. Time of Incident: 11      3. Police called: X Yes No
- 4. Location of incident (including street address): 1765 Homestead Ave NE / Meadowdale
- 5. Name of your insurance company: West Bend Mutual      Policy No. \_\_\_\_\_
- 6. State what and how incident occurred: My car was parked legally on the street. The garbage truck backed into it causing considerable damage to both doors.

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: Nissan Altima 1996 ~~TLW~~ TLW 291 no driver  
 (Make) (Year) (Tag Number) (Driver's Name)

City vehicle: Crane Carrier ERIC WEST Sanitation  
 (Make) (City Driver's Name) (Department/Bureau)

9. Witness: Paul Helms 1765 Homestead Ave NE 404-892-0176  
 (Name) (Address) (Telephone Number)  
Atlanta 30306

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 employee(s).

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.

~~Signature~~  
 Signature of Claimant  
Margaret A. Warner Barkley

Margaret Warner Barkley  
 (Print Claimant's Name)

4539 N. Woodburn St.  
 (Address)

Shorewood, Wisconsin 53211  
 (City, State and Zip Code)

414-299-2470 404-962-4083  
 (Work Number) (Home Number)

00-R-0790

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

Atlanta City Council

Regular Session

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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

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<b>06/05/00 Council Meeting</b>	
<b>ITEMS ADOPTED ON CONSENT AGENDA</b>	<b>ITEMS ADVERSED ON CONSENT AGENDA</b>
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	