

Entered -7-18-00 - sb
CL 00L0439 - GWENDOLYN BURNS

00- R-1756

CLAIM OF: **VALERIE G. HULL**
45 Edwin Place, NW
Atlanta, Georgia 30318

For vehicular damages alleged to have been sustained when a tree limb fell on top of claimant's vehicle on May 28, 2000 at 45 Edwin Place, NW.

THIS ADVERSED REPORT IS
APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CONSENT AGENDA

ADVERSE REPORT

COM. Public Safety

DATE 10/31/00

V. Clara Henderson

Danny Smith

Michael R.

Theresa Jones

ADVERSED BY
CITY COUNCIL NOV 06 2000

CERTIFIED
NOV 6 2000
ATLANTA CITY COUNCIL PRESIDENT
Robert J. Pitts

CERTIFIED
NOV 06 2000
Ronda Douglas Johnson
MUNICIPAL CLERK



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

November 14, 2000

Valerie G. Hull
45 Edwin Place, NW
Atlanta, GA 30318

00-R-1756

Dear Ms. Hull:

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 November 6, 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

att Sherry Sulten

RECEIVED JUL 12 2000

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

RE: CLAIM FOR DAMAGES

BURNS
07/17/00

Today's Date: July 5, 2000

Dear Municipal Clerk:

ENTERED - 7-18-00 - SB
00L439 - GWEN BURNS

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

1. Date of incident: May 28, 2000 2. Time of Incident: 8:30am 3. Police called: Yes No
(month/day/year)

4. Location of incident (including street address): 45 Edwin Place Atlanta Ga 30318

5. Name of your insurance company: Geico Ins. Policy No. B9-166-42

6. State what and how incident occurred: It was raining early that morning and all I heard was a loud noise. I ran thru the house to see what it was and a neighbor came and said A tree had fell on your car. Police was call but did not come out said that was act of God per the police and they couldn't do anything

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: Pont Sunfire SE 1997 504LPN Valerie Hull
(Make) (Year) (Tag Number) (Driver's Name)

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

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

10. The acknowledgment 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.

Valerie G. Hull
Signature of Claimant

00-R -1756

Valerie G. Hull
(Print Claimant's Name)

45 Edwin Place NW
(Address)

Atlanta Ga 30318
(City, State and Zip Code)

Note: 28 Picture enclosed
There are picture of my Landscape
I would like for my trees to be replace
and fix my yard back up 4 trees was damage
in this incident.

770342-7779 ext 237 404 792-1994
(Work Number) (Home Number)

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0439

Date: October 20, 2000

Claimant /Victim VALERIE G. HULL
BY: (Atty) (Ins. Co.)
Address: 45 Edwin Place, NW, Atlanta, Georgia 30318
Subrogation: Claim for Property damage \$ 3,082.34 Bodily Injury \$
Date of Notice: 7/12/00 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 5/28/00 Place: 45 Edwin Place, NW
Department PARKS, RECREATION & CULTURAL AFFAIRS Division PARKS
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that her vehicle sustained damage when a tree located on City property fell on top of her parked vehicle. An investigation determined that the Parks division trimmed a tree at this location on September 11, 1996, however, the tree was green and healthy and did not show signs of disease or distress. Further investigation determined that a storm occurred the morning of the incident causing the tree to fall. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X
Pictures Diagrams Reports: Police Dept Report X Other X
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 X Damages reasonable
City not involved 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 - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Advers Account charged: 1A01 2J01 2H01
Claims Manager: [Signature] Concur/date 10/2000
Committee Action: Council Action

RCS# 2356
11/06/00
2:45 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-17

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
B Starnes
Y Bond
Y Winslow

Y Dorsey
Y Woolard
Y Morris
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

Y Thomas
Y Emmons
Y Alexander
NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-R-1422
00-R-1666

CONSENT

11/06/00 Council Meeting		
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1577	30. 00-R-1716	59. 00-R-1753
2. 00-O-1586	31. 00-R-1724	60. 00-R-1754
3. 00-O-1615	32. 00-R-1725	61. 00-R-1755
4. 00-O-1661	33. 00-R-1727	62. 00-R-1756
5. 00-O-1663	34. 00-R-1728	63. 00-R-1757
6. 00-O-1670	35. 00-R-1729	64. 00-R-1758
7. 00-R-1578	36. 00-R-1730	65. 00-R-1759
8. 00-R-1685	37. 00-R-1731	66. 00-R-1760
9. 00-R-1780	38. 00-R-1732	67. 00-R-1761
10. 00-R-1659	39. 00-R-1733	68. 00-R-1762
11. 00-R-1688	40. 00-R-1734	69. 00-R-1763
12. 00-R-1689	41. 00-R-1735	70. 00-R-1764
13. 00-R-1704	42. 00-R-1736	71. 00-R-1765
14. 00-R-1722	43. 00-R-1737	72. 00-R-1766
15. 00-R-1723	44. 00-R-1738	73. 00-R-1767
16. 00-R-1708	45. 00-R-1739	74. 00-R-1768
17. 00-R-1774	46. 00-R-1740	75. 00-R-1769
18. 00-R-1709	47. 00-R-1741	76. 00-R-1770
19. 00-R-1710	48. 00-R-1742	77. 00-R-1771
20. 00-R-1711	49. 00-R-1743	78. 00-R-1772
21. 00-R-1712	50. 00-R-1744	79. 00-R-1773
22. 00-R-1713	51. 00-R-1745	
23. 00-R-1714	52. 00-R-1746	
24. 00-R-1715	53. 00-R-1747	
25. 00-R-1717	54. 00-R-1748	
26. 00-R-1718	55. 00-R-1749	
27. 00-R-1719	56. 00-R-1750	
28. 00-R-1720	57. 00-R-1751	
29. 00-R-1721	58. 00-R-1752	