

Entered - 08/01/00 - sb  
CL - 00L0467 - GWENDOLYN BURNS

CLAIM OF: Edward R. Watson  
5225 Scofield Road  
College Park, GA 30349

00-*R*-1818

For property damages alleged to have been sustained when a tree fell on claimant's fence on July 11, 2000 at 5225 Scofield Road.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY  
CONSENT AGENDA

ADVERSED REPORT  
Public Safety  
11/14/00  
*Clita Harrison*  
*Michael East*  
*James*  
*Henry Daley*  
*Curry*

ADVERSED BY  
CITY COUNCIL NOV 20 2000

CERTIFIED  
NOV 20 2000  
ATLANTA CITY COUNCIL PRESIDENT  
*Robert H. Pitts*

CERTIFIED  
NOV 20 2000  
*Renee Daughlin Johnson*  
MUNICIPAL CLERK



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

November 28, 2000

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

Edward R. Watson  
5225 Scofield Road  
College Park, Ga 30349

**00-R-1818**

Dear Mr. Watson:

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 20, 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. 00L0467

Date: November 2, 2000

Claimant /Victim EDWARD R. WATSON

BY: (Atty) (Ins. Co.)

Address: 5225 Scofield Road, College Park, Georgia 30349

Subrogation: Claim for Property damage \$ 502.00 Bodily Injury \$

Date of Notice: 7/20/00 Method: Written, Proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 7/11/00 Place: 5225 Scofield Road

Department PARKS, RECREATION & CULTURAL AFFAIRS Division PARKS

Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that a tree, located on city property, fell on his fence causing damage. An investigation determined that the Parks Division has no record of receiving any complaint or of performing any type of tree work at the incident location. 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 Claimant Others Written Oral

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,

Investigator signature: WENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01

Claims Manager: Concur/date 11-22-00

Committee Action: Council Action

BURNS

07/27/00

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: 7/18/2000

ENTERED - 8-1-00 - SB  
00L0467 - GWEN BURNS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 423.00 TO 502.00 property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: 7/11/2000 2. Time of Incident: 3PM TO 7:PM 3. Police called: \_\_\_\_\_  Yes  No  
(month/day/ year)

4. Location of incident (including street address): 5225 SCHOFIELD RD. COLLEGE PARK. 30349

5. Name of your insurance company: State Farm Policy No. 0363-6049-27

6. State what and how incident occurred: during a rain and wind storm, a dead, but solid tree on City of Atl. property fell on my fence.

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 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.

Edward R. Watson  
Signature of Claimant

EDWARD R. WATSON  
(Print Claimant's Name)

5225 SCOFIELD RD.  
(Address)

COLLEGE PARK, GA. 30349  
(City, State and Zip Code)

404-767-4944  
(Work Number) (Home Number)

00- R -1818

Council President Pro Tem Starnes  
Presided

RCS# 2401  
11/20/00  
2:00 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-18

00-R-1849  
(Morris Voted NAY)

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 0

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y McCarty  
Y Starnes  
NV Bond  
Y Winslow

Y Dorsey  
Y Woolard  
Y Morris  
Y Muller

Y Moore  
Y Martin  
Y Maddox  
Y Boazman

Y Thomas  
Y Emmons  
NV Alexander  
NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA

00-O-1111  
00-R-1693  
00-R-1694  
00-R-1695  
00-R-1696  
00-R-1697  
00-R-1804  
00-R-1835

CONSENT

<b>11/20/00 Council Meeting</b>		
<b>ITEMS ADOPTED ON CONSENT AGENDA</b>	<b>ITEMS ADOPTED ON CONSENT AGENDA</b>	<b>ITEMS ADVERSED ON CONSENT AGENDA</b>
1. 00-O-1690 2. 00-O-1691 3. 00-O-1692 4. 00-O-1845 5. 00-O-1864 6. 00-O-0728 7. 00-R-1702 8. 00-R-1703 9. 00-R-1705 10. 00-R-1707 11. 00-R-1850 12. 00-R-1865 13. 00-R-1851 14. 00-R-1873 15. 00-R-1622 16. 00-R-1623 17. 00-R-1699 18. 00-R-1775* 19. 00-R-1776* 20. 00-R-1777* 21. 00-R-1782 22. 00-R-1687 23. 00-R-1668 24. 00-R-1786 25. 00-R-1789 26. 00-R-1799 27. 00-R-1800 28. 00-R-1813 29. 00-R-1814	30. 00-R-1815 31. 00-R-1849# 32. 00-R-1858 33. 00-R-1862 34. 00-R-1787* 35. 00-R-1790 36. 00-R-1791 37. 00-R-1794 38. 00-R-1798 39. 00-R-1861 40. 00-R-1686 41. 00-R-1843 42. 00-R-1869 43. 00-R-1870 44. 00-R-0973 45. 00-R-0816 46. 00-R-1803 47. 00-R-1805 48. 00-R-1806 49. 00-R-1807 50. 00-R-1808 51. 00-R-1809 52. 00-R-1810 53. 00-R-1811 54. 00-R-1812	55. 00-R-1816 56. 00-R-1817 57. 00-R-1818 58. 00-R-1819 59. 00-R-1820 60. 00-R-1821 61. 00-R-1822 62. 00-R-1823 63. 00-R-1824 64. 00-R-1825 65. 00-R-1826 66. 00-R-1827 67. 00-R-1828 68. 00-R-1829 69. 00-R-1830 70. 00-R-1831 71. 00-R-1832 72. 00-R-1833 73. 00-R-1834 74. 00-R-1836 75. 00-R-1837 76. 00-R-1838 77. 00-R-1839 78. 00-R-1840 79. 00-R-1841 80. 00-R-1842  * President Pitts recused himself.  # Lee Morris not voting.