

Entered - 10/09/00 - sb
CL - 00L0613 - GWENDOLYN BURNS

00- R-1837

CLAIM OF: Jennifer Jacoby
914 Collier Hills Road, #7316
Atlanta, Georgia 30318

For vehicular damages alleged to have been sustained when a tree fell
on claimant's car on June 19, 1999 at 960 North Highland Avenue.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CONSENT AGENDA

Public Safety
11/14/00
Celia Stephens
Michael R. [Signature]
[Signature]

ADVERSED BY
CITY COUNCIL NOV 20 2000

CERTIFIED
NOV 20 2000
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
NOV 20 2000
Ruthie Harrison 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 28, 2000

Jennifer Jacoby
914 Collier Hills Rd.
#7316
Atlanta, GA 30318

00-R-1837

Dear Ms. Jacoby:

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. 00L0613

Date: November 2, 2000

Claimant /Victim JENNIFER JACOBY

BY: (Atty) (Ins. Co.)

Address: 914 Collier Hills Road, #7316, Atlanta, Georgia 30318

Subrogation: Claim for Property damage \$ 1,919.63 Bodily Injury \$

Date of Notice: 9/20/00 Method: Written, Proper X Improper

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

Date of Occurrence 6/19/99 Place: 960 North Highland Avenue

Department PARKS, RECREATION & CULTURAL AFFAIRS Division PARKS

Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that as she was driving down the street a tree, located on city property, fell on her vehicle 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. Furthermore, the claim as presented does not comply with the same requirements of notice as set forth in O.C.G.A. Section 36-33-5(b). The six month statute of limitation expired prior to receipt of the claim.

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 X Other 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,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

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

Claims Manager: Concur/date

Committee Action: Council Action

BURNS
10/09/00

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: 9-5-00

8220

Dear Municipal Clerk:

ENTERED -10-9-00 - SB
00L0613 - GWEN BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1919.63 property and/or \$ 0 bodily injury for which I contend the City is liable.

- 1. Date of incident: 6/19/99 (month/day/year)
- 2. Police called: Yes No
- 3. Location of incident: 960 North Highland, Atlanta, GA
- 4. Name of your insurance company: USAA Policy No. 1020-70-31
- 5. State what and how incident occurred: A tree fell on the roof of my Fore-runner while driving down the road.

6. 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!

7. 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: Toyota 1999 656 LGE Jennifer Jacoby
(make) (year) (tag number) (driver's name)

City vehicle: _____
(make) (City driver's name) (department/bureau)

8. Witness: Dave Bonsall 781 Adair Ave, Atlanta, GA 30306 770 972 9109
(name) (address) (telephone number)

9. 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).

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

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

Jennifer Jacoby / Jennifer Jac
(claimant's name)
914 Collier Hills Rd. #7316
(address)
Atlanta, GA 30318
(city and state)
4043212637 4046038926
(work number) (home number)

00- R-1837

Council President Tro Lem 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

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