



## 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

December 12, 2000

Mary T. Benton  
Attorney at Law  
1201 West Peachtree St.  
Atlanta, GA 30309-3424

00-R-1925

RE: Tull Equipment and Supply Company

Dear Attorney Benton:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her 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 client's claim at its regular meeting on December 4, 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.**

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

Entered - 03/05/99 - sb  
CL99L0111- DIANNE C. MITCHELL

CLAIM OF: TULL EQUIPMENT AND SUPPLY COMPANY,  
through its attorney,  
Mary T. Benton  
1201 West Peachtree Street  
Atlanta, Georgia 30309-3424

For damages alleged to have been sustained as a result of the  
overpayment of ad valorem taxes for the years 1990 through 1992.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell by RNC/PCA  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

CONSENT AGENDA

ADVERSED BY  
CITY COUNCIL DEC 04 2000

ADVERSED REPORT  
COM Public Safety  
DATE 11/28/00  
BY C. T. Mauldin  
*[Handwritten signatures]*

CERTIFIED  
DEC 4 2000  
ATLANTA CITY COUNCIL PRESIDENT  
*[Handwritten signature]*

CERTIFIED  
DEC 04 2000  
*[Handwritten signature]*  
MUNICIPAL CLERK

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0135

Date: November 15, 2000

Claimant /Victim TULL EQUIPMENT AND SUPPLY COMPANY
BY: (Atty) Mary T. Benton
Address: 1201 West Peachtree Street, Atlanta, Georgia 30309-3424
Subrogation: Claim for Property damage \$ 11,676.81 Bodily Injury \$
Date of Notice: 02/23/99 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 1990 - 1992 Place: 141 Pryor Street, SW
Department Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant has requested a refund of "overpaid" ad valorem property taxes. The Atlanta-Fulton County Board of Tax Assessors has authority over such matters and the claim has been forwarded to them for handling. The claimant's attorney has been advised of this action.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
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 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 Account charged: 1A01 2J01 2H01
Claims Manager: [Signature] Concur/date 11-15-00
Committee Action: Council Action

FEB 23

# ALSTON & BIRD LLP

One Atlantic Center  
1201 West Peachtree Street  
Atlanta, Georgia 30309-3424

404-881-7000  
Fax: 404-881-4777  
www.alston.com

Mitchell  
03/04/99  


02-23-99 P04:39 OUT

Mary T. Benton

Direct Dial: 404-881-7255

E-mail: mbenton@alston.com

February 18, 1999

**VIA: CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

ENTERED - 3-5-99 - SB  
99L0135 - DIANNE MITCHELL

Atlanta City Council  
Suite 2900  
55 Trinity Avenue, SW  
Atlanta, Georgia 30303

Re: 1990-1992 Property Tax Refund Claim; Acct. # 0028169; Parcel # 002915

Dear Council Members:

Pursuant to O.C.G.A. § 48-5-380, Tull Equipment & Supply Co. (the "Taxpayer"), through its counsel Alston & Bird, LLP, files this refund request for overpaid ad valorem property taxes and interest on Account number 0028169 for tax years 1990-1992 (a power of attorney is attached). The taxes and interest on this account were paid on January 26, 1999 pursuant to the recent property tax amnesty program but were paid under protest (a copy of the protest letter is attached).

The taxes were erroneously imposed on leased equipment that had been scrapped in previous years and was no longer in possession of the Taxpayer. Even if possession by the Taxpayer is disputed, the value assigned to the property does not fairly and accurately represent the fair market value of the property as required by O.C.G.A. § 48-5-2. Accordingly, the Taxpayer requests a refund for the taxes paid on Account number 0028169 in the amount of \$11,676.81 for tax years 1990-1992.

As provided by statute, the Taxpayer hereby requests a conference regarding this refund claim. If you require additional information, please contact the undersigned.

Sincerely,



Mary T. Benton

MTB:mtb  
Enclosures

1211 East Morehead Street  
P. O. Drawer 34009  
Charlotte, NC 28234-4009  
704-331-6000  
Fax: 704-334-2014

3605 Glenwood Avenue, Suite 310  
P. O. Drawer 31107  
Raleigh, NC 27622-1107  
919-420-2200  
Fax: 919-420-2260

601 Pennsylvania Avenue, N.W.  
North Building, 11th Floor  
Washington, DC 20004-2601  
202-756-3300  
Fax: 202-756-3333

Atlanta City Council  
February 18, 1999  
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cc: Fulton County Board of Tax Assessors  
141 Pryor Street  
Suite 1056  
Atlanta, Georgia 30303

Mr. Kerry Petronis  
Tull Equipment & Supply Co.

ATL01/10451640v1

00-*R*-1925

RCS# 2434  
12/04/00  
3:58 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-19

ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 1

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

NV McCarty  
Y Starnes  
Y Bond  
Y Winslow

Y Dorsey  
Y Woolard  
Y Morris  
Y Muller

Y Moore  
Y Martin  
Y Maddox  
Y Boazman

B Thomas  
Y Emmons  
NV Alexander  
NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
00-O-1874  
00-O-1986  
00-R-1950

CONSENT

|                                 |                                 | 12/04/00 Council Meeting         |
|---------------------------------|---------------------------------|----------------------------------|
| ITEMS ADOPTED ON CONSENT AGENDA | ITEMS ADOPTED ON CONSENT AGENDA | ITEMS ADVERSED ON CONSENT AGENDA |
| 1. 00-O-1289                    | 36. 00-R-1959                   | 64. 00-R-1816                    |
| 2. 00-O-1680                    | 37. 00-R-1882                   | 65. 00-R-1817                    |
| 3. 00-O-1792                    | 38. 00-R-1985                   | 66. 00-R-1818                    |
| 4. 00-O-1797                    | 39. 00-R-1943                   | 67. 00-R-1819                    |
| 5. 00-O-1003                    | 40. 00-R-1945                   | 68. 00-R-1820                    |
| 6. 00-O-1228                    | 41. 00-R-1946                   | 69. 00-R-1821                    |
| 7. 00-O-1795                    | 42. 00-R-1947                   | 70. 00-R-1822                    |
| 8. 00-O-1796                    | 43. 00-R-1948                   | 71. 00-R-1823                    |
| 9. 00-O-1860                    | 44. 00-R-1949                   | 72. 00-R-1824                    |
| 10. 00-O-1616                   | 45. 00-R-1951                   | 73. 00-R-1825                    |
| 11. 00-O-1853                   | 46. 00-R-1970                   | 74. 00-R-1826                    |
| 12. 00-O-1801                   | 47. 00-R-2016                   | 75. 00-R-1827                    |
| 13. 00-O-1963                   | 48. 00-R-1901                   | 76. 00-R-1828                    |
| 14. 00-O-1965                   | 49. 00-R-1902                   | 77. 00-R-1829                    |
| 15. 00-R-1788                   | 50. 00-R-1903                   | 78. 00-R-1830                    |
| 16. 00-R-1886                   | 51. 00-R-1904                   | 79. 00-R-1831                    |
| 17. 00-R-1953                   | 52. 00-R-1905                   | 80. 00-R-1832                    |
| 18. 00-R-1955                   | 53. 00-R-1906                   | 81. 00-R-1833                    |
| 19. 00-R-2009                   | 54. 00-R-1907                   | 82. 00-R-1834                    |
| 20. 00-R-2010                   | 55. 00-R-1908                   | 83. 00-R-1836                    |
| 21. 00-R-2011*                  | 56. 00-R-1909                   |                                  |
| 22. 00-R-1890                   | 57. 00-R-1910                   |                                  |
| 23. 00-R-1937                   | 58. 00-R-1911                   |                                  |
| 24. 00-R-1938                   | 59. 00-R-1912                   |                                  |
| 25. 00-R-1939                   | 60. 00-R-1913                   |                                  |
| 26. 00-R-1940                   | 61. 00-R-1914                   |                                  |
| 27. 00-R-1988                   | 62. 00-R-1915                   |                                  |
| 28. 00-R-2006                   | 63. 00-R-1916                   |                                  |
| 29. 00-R-2013                   |                                 |                                  |
| 30. 00-R-1887                   |                                 |                                  |
| 31. 00-R-2015                   |                                 |                                  |
| 32. 00-R-1957                   |                                 |                                  |
| 33. 00-R-1958                   |                                 |                                  |
| 34. 00-R-1877                   |                                 |                                  |
| 35. 00-R-2008                   |                                 |                                  |

\* President Pitts recused himself.