

00-R-1935

Entered - 9-6-00 - sb  
CL - 00L0543 ALEXIS HOLMES

CLAIM OF: **REBECCA GRAHAM**  
1122 Stillwood Drive  
Atlanta, Georgia 30306

For property damages alleged to have been sustained as a result of a fallen tree on July 11, 2000 at 1118 and 1122 Stillwood Drive.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

CONSENT AGENDA

ADVERSED BY CITY COUNCIL DEC 04 2000

DIVISION REPORT  
Public Safety  
11/28/00  
C. T. Martin  
[Signature]  
[Signature]

CERTIFIED  
DEC 4 2000  
ATLANTA CITY COUNCIL PRESIDENT  
[Signature]

CERTIFIED  
DEC 04 2000  
Renee Dandridge 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

December 12, 2000

Rebecca Graham  
1122 Stillwood Dr.  
Atlanta, Ga 30306

00-R-1935

Dear Ms. Graham:

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 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.

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0543

Date: 11/15/00

Claimant /Victim REBECCA GRAHAM

BY: (Atty)

Address: 1122 Stillwood Drive Atlanta, Georgia 30306

Subrogation: Claim for Property damage \$ 8,000.00 Bodily Injury \$

Date of Notice: 8/18/00 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: 1118 and 1122 Stillwood Drive 30306

Department PR&CA Division: Parks

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that she sustained damages as a result of a City of Atlanta diseased and damaged tree falling on house her and car. The City had not received prior complaints or notice concerning the condition of the tree. Therefore, the City of Atlanta is immune from liability as set forth in O.C.G.A §36-33-1 (b).

INVESTIGATION:

Statements: City employee Claimant X Other Written Oral

Pictures Diagrams Reports: Police Dept Report X 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 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,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

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

Claims Manager: Concur/date 11-17-00

Committee Action: Council Action

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

RE: CLAIM FOR DAMAGES

*Holmes*  
*09/05/00*  
*A*

Today's Date 07.19.00

ENTERED - 9-6-00 - SB  
00L0543 - ALEXIS HOLMES  
00-10-00704:59 RVD

Dear Clerk of Council:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 9,000.00 property and / or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: 07. 11. 00 (Month / Day / Year)   
 2. ~~Police~~ Fire Station called:  Yes  No

3. Location of incident: 1118 & 1122 Stillwood Drive 30306

4. Name of your insurance company: State Farm Policy No. \_\_\_\_\_

5. State what and how incident occurred: Diseased and damaged city of Atlanta tree fell on home and car.

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: Mercedes Benz 1985 (Make) (Year) (Tag number)   
 Rebecca Graham (Driver's name)

City Vehicle: \_\_\_\_\_ (Make) (City driver's name) (Department/Bureau)

8. Witness: Doug Duke 1118 Stillwood Dr. 30306 4048889663 (Name) (Address) (Telephone number)

9. The acknowledgment of this claim in no way waives the Governmental 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.

Rebecca Graham (Claimant's name)

1122 Stillwood Dr. (Address)

Atlanta, GA 30306 (City and State)

4048757673 4048753785 (Work telephone) (Home telephone)

Attached:   
 2 estimates for repair -   
 00-R-1935

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	00-R-1935
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.