

Entered -11-14-00 - sb
CL 00L0691 - GWENDOLYN BURNS

00- R-2030

CLAIM OF: **ALVIN SMITH**
2263 Newnan Street
East Point, Georgia 30344

For vehicular damages alleged to have been sustained from a rock that was thrown from a lawn mover on November 6, 2000 on Murphy Avenue, SW.

THIS ADVERSED REPORT IS
APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

Public Safety
12/12/00
C. T. Martin
Garry Shyl
Cela Johnson
Thomas
Michael Stone

JAN 2 2001
ATLANTA CITY COUNCIL PRESIDENT
Richard A. Parker

CERTIFIED
JAN 0 8 2001
Ronda Daughlin Johnson
MUNICIPAL CLERK

ADVERSED BY CITY COUNCIL JAN 0 8 2001



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

January 8, 2001

Alvin Smith
2263 Newnan Street
East Point, GA 30344

00-R-2030

Dear Mr. Smith:

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 January 2, 2001. 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. 00L0691

Date: November 30, 2000

Claimant /Victim ALVIN SMITH
BY: (Atty) (Ins. Co.)
Address: 2263 Newnan Street, East Point, Georgia 30344
Subrogation: Claim for Property damage \$ 245.00 Bodily Injury \$
Date of Notice: 11/14/00 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/6/00 Place: Murphy Avenue, SW
Department PUBLIC WORKS Division SOLID WASTE SERVICES
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that his vehicle sustained damage when it was struck by a rock that was thrown from a lawn mower that was operated by a city employee. However, 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 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 \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: [Signature] Concur/date 11-30-00
Committee Action: Council Action

RCS# 2499
1/02/01
2:34 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-13

ADOPT

YEAS: 13/14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

| | | | |
|----------------------|-----------|-----------|--------------|
| Y McCarty | Y Dorsey | Y Moore | Y Thomas |
| Y Starnes | Y Woolard | Y Martin | Y Emmons |
| Y NV Bond | Y Morris | Y Maddox | NV Alexander |
| Y Winslow | Y Muller | Y Boazman | NV Pitts |

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-R-1944
00-R-2059

CONSENT

"

| | | 01/02/00 Council Meeting |
|---|---|--|
| ITEMS ADOPTED ON CONSENT AGENDA | ITEMS ADOPTED ON CONSENT AGENDA | ITEMS ADVERSED ON CONSENT AGENDA |
| 1. 00-O-1107 2. 00-O-2068 3. 00-O-1866 4. 00-O-1888 5. 00-O-1876 6. 00-O-1884 7. 00-O-1889 8. 00-O-2053 9. 00-O-2063 10. 00-O-2076 11. 00-O-1564 12. 00-O-2014 13. 00-O-2061 14. 00-R-1226 15. 00-R-1954 16. 00-R-2036 17. 00-R-2037 18. 00-R-2038 19. 00-R-2058 20. 00-R-2060 21. 00-R-2091 22. 00-R-2045 23. 00-R-1459 24. 00-R-2048 25. 00-R-2049 26. 00-R-2050 27. 00-R-2077 28. 00-R-2102 29. 00-R-2046 30. 00-R-2047 31. 00-R-2093 32. 00-R-2094 33. 00-R-2095 34. 00-R-2096 35. 00-R-2097 36. 00-R-2018 37. 00-R-2019 38. 00-R-2020 39. 00-R-2021 40. 00-R-2022 | 41. 00-R-2023 42. 00-R-2024 43. 00-R-2025 | 44. 00-R-2026 45. 00-R-2027 46. 00-R-2028 47. 00-R-2029 48. 00-R-2030 49. 00-R-2031 50. 00-R-2032 51. 00-R-2033 52. 00-R-2034 53. 00-R-2035 |