

01-R-0172

Entered - 1-18-01 - sb  
CL01L0038 - ALEXIS HOLMES

CLAIM OF: **DIANE HAYES**  
444 Beckwith Court, Apt. D  
Samuel E. Wms. Apartments  
Atlanta, Georgia 30314

For damages sustained as a result of vehicular damage due to vandalism on December 12, 2000 at 820 Murphy Avenue.

THIS ADVERSE REPORT IS APPROVED

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

ADVISED BY  
CITY COUNCIL FEB 19 2001

ADVERSE REPORT

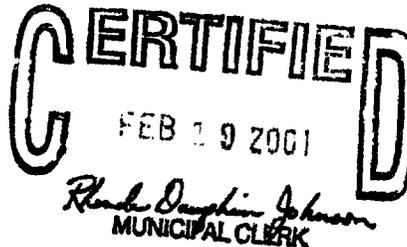
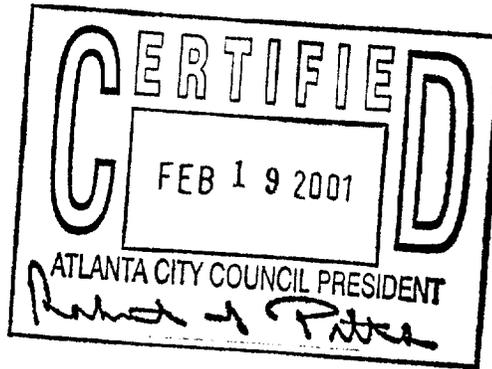
COM: *Public Safety*

DATE: *2-13-01*

BY: *C. J. Mealy*

*[Signature]*

*[Signature]*





## 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

February 26, 2001

Diane Hayes  
444 Beckwith Court  
Apartment D  
Samuel E. Williams Apartments  
Atlanta, GA 30314

01-R-0172

Dear Ms. Hayes:

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 February 19, 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. 01L0038

Date: 1/31/01

Claimant /Victim DIANE HAYES

BY: (Atty)

Address: 444 Beckwith Court, Apt. D, Samuel E. Wms. Apts. Atlanta, Georgia 30314

Subrogation: Claim for Property damage \$ 173.75 Bodily Injury \$

Date of Notice: 1/4/01 Method: Written, proper X Improper

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

Date of Occurrence 12/12/00 Place: 820 Murphy Avenue

Department Public Works Division: Parks

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant, a City employee, alleges that her vehicle was damaged when she parked her car in a City parking lot, and her vehicle was randomly vandalized. However, the City is not responsible for random criminal acts that are committed by third parties.

INVESTIGATION:

Statements: City employee X Claimant X Other X Written Oral

Pictures Diagrams Reports: Police X 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,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

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

Claims Manager: Concur/date 02-07-01

Committee Action: Council Action



RCS# 2621  
2/19/01  
3:24 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1 thru 13

SEE ATTACHED LISTING OF ITEMS  
ADOPTED/ADVERSED ON  
CONSENT AGENDA

ADOPT

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 0

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

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
01-O-0223  
01-R-0184

CONSENT

**ITEMS ADOPTED ON CONSENT  
AGENDA**

1. 00-O-1619
2. 00-O-2073
3. 01-O-0112
4. 01-O-0069
5. 01-O-0072
6. 01-O-0211
7. 01-O-0213
8. 01-O-0121
9. 01-O-0151
10. 01-O-0098
11. 01-O-0075
12. 01-R-0226
13. 01-R-0191
14. 01-R-0192
15. 01-R-0076
16. 01-R-0194
17. 01-R-0215
18. 01-R-0167
19. 01-R-0198
20. 01-R-0208
21. 01-R-0246
22. 01-R-0070
23. 01-R-0182
24. 01-R-0183
25. 01-R-0158
26. 01-R-0159
27. 01-R-0160
28. 01-R-0161
29. 01-R-0162
30. 01-R-0163
31. 01-R-0164
32. 01-R-0165
33. 01-R-0166

**ITEMS ADVERSED  
ON CONSENT AGENDA**

34. 01-R-0169
  35. 01-R-0170
  36. 01-R-0171
  37. 01-R-0172
  38. 01-R-0173
  39. 01-R-0174
  40. 01-R-0175
  41. 01-R-0176
  42. 01-R-0177
  43. 01-R-0195
  44. 01-R-0196
  45. 01-R-0197
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