

Entered -10-21-99 - sb
CL 99L0685 - GWENDOLYN BURNS

CLAIM OF:

CONNIE M. MATHIS
2609 Countyline Road, SW
Atlanta, Georgia 30331

01-R-0564

For vehicular damages alleged to have been sustained when a tree limb fell on top of claimant's vehicle on October 4, 1999 at 400 Parks Drive.

THIS ADVERSED REPORT IS APPROVED

CONSENT AGENDA

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSE REPORT

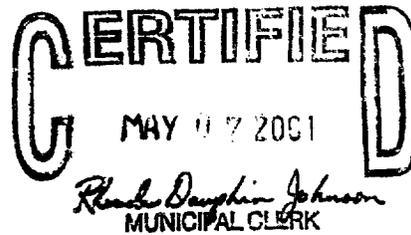
COM. Public Safety

DATE 4/12/01

CHM. C. T. Mark

Michael P. [Signature]
Cela [Signature]

[Signature]



ADVERSED BY CITY COUNCIL MAY 07 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

May 15, 2001

Connie M. Mathis
2609 Countyline Rd., SW
Atlanta, GA 30331

01-R-0564

Dear Ms. Mathis:

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 May 7, 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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0685

Date: March 26, 2001

Claimant /Victim CONNIE M. MATHIS
BY: (Atty) (Ins. Co.)
Address: 2609 Countyline Road, SW, Atlanta, Georgia 30331
Subrogation: Claim for Property damage \$ 2,325.13 Bodily Injury \$
Date of Notice: 10/14/99 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 10/4/99 Place: 400 Parks Drive
Department PARKS, RECREATION & CULTURAL AFFAIRS Division: Parks
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that her vehicle sustained damage from limbs that fell from a tree located on City property. However, an investigation determined that the Parks division did not have record of any complaints at the referenced location prior to claimant's incident. 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 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 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,

Gwendolyn Burns
INVESTIGATOR GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 03-29-01
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

Today's Date: 10-14-99^{d. #.}

Reeves
10/18/99
[Signature]

ENTERED - 10-21-99 - SB
99L0685 - MIKE REEVES

Dear Clerk of Council:

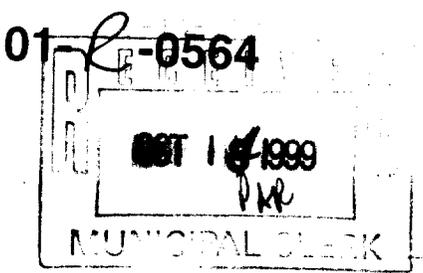
This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ _____ property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 10/4/99
(month/day/year)
2. Police called: Yes No *But did not make a report*
3. Location of incident: 400 Parks drive
4. Name of your insurance company: Safeway Policy No. _____
5. State what and how incident occurred: Large tree limb fell on back of car causing damage to rear of car, breaking rear window.

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: Chev. Corina 1991 162 PMS Connie M. Mathis
(make) (year) (tag number) (driver's name)
- City vehicle: _____
(make) (City driver's name) (department/bureau)
8. Witness: _____
(name) (address) (telephone number)
9. The acknowledgement 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.

Connie M. Mathis
(claimant's name)
2609 Conantine Rd. SW
(address)
Atlanta, Ga. 30331
(city and state)
(404) 8176865 (404) 3460252
(work number) (home number)



President Pro Tem Bond Presided

RCS# 2838
5/07/01
4:44 PM

Atlanta City Council

Regular Session

CONSENT

PAGES 1 THRU 13

ADOPT

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

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

NV 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-0610

CONSENT

05/07/01 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 00-O-0264
2. 01-O-0603
3. 01-O-0604
4. 01-O-0612
5. 01-O-0529
6. 01-O-0608
7. 01-O-0623
8. 01-O-0624
9. 01-O-0593
10. 01-O-0482
11. 01-O-0548
12. 00-O-2056
13. 01-R-0575
14. 01-R-0576
15. 01-R-0577
16. 01-R-0578
17. 01-R-0579
18. 01-R-0580
19. 01-R-0648
20. 01-R-0581
21. 01-R-0574
22. 01-R-0594
23. 01-R-0595
24. 01-R-0617
25. 01-R-0491
26. 01-R-0571
27. 01-R-0572
28. 01-R-0602
29. 01-R-0565
30. 01-R-0644
31. 01-R-0552
32. 01-R-0553
33. 01-R-0554
34. 01-R-0555
35. 01-R-0556

**ITEMS ADVERSE
ON CONSENT AGENDA**

36. 01-R-0557
 37. 01-R-0558
 38. 01-R-0559
 39. 01-R-0560
 40. 01-R-0561
 41. 01-R-0562
 42. 01-R-0563
 43. 01-R-0564
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