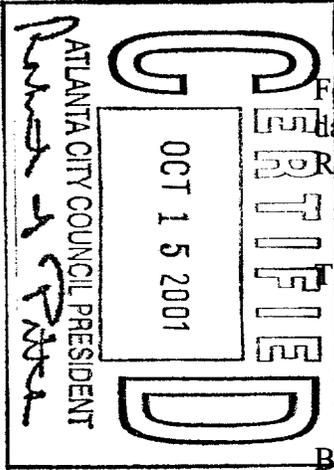


Entered - 09/04/01 - sb  
CL0L0532 - DIANNE C. MITCHELL

01-*R*-1622

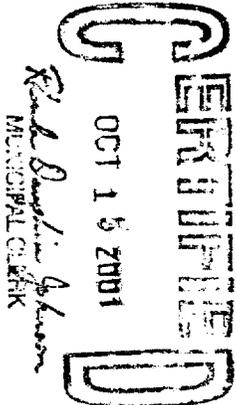
CLAIM OF: **ANDREW P. JACOBS**  
**1728 N. Rock Springs Road, NE**  
**Atlanta, Georgia 30324**



For damages alleged to have been sustained as a result of property damage due to a fallen tree on July 25, 2001 at 1728 N. Rock Springs Road, NE.

THIS ADVERSED REPORT IS APPROVED

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



ADVERSED BY OCT 15 2001

**ADVERSE REPORT**

DATE: *P.S. L.H.*  
OCT 09 2001  
BY: *C. T. ...*  
*Clara ...*



CITY OF ATLANTA  
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

October 17, 2001

Andrew P. Jacobs  
1728 N. Rock Springs Road, NE  
Atlanta, Georgia 30324

01-R-1622

Dear Mr. Jacobs:

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 October 15, 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.

Yours very truly,  
*Rhonda Dauphin Johnson*

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0532

Date: September 20, 2001

Claimant /Victim ANDREW P. JACOBS

BY: (Atty)(Ins. Co.) \_\_\_\_\_

Address: 1728 N. Rock Springs Road, NE, Atlanta, Georgia 30324

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 4,309.00 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 08/21/01 Method: Written, proper X Improper \_\_\_\_\_

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

Date of Occurrence 07/25/01 Place: 1728 N. Rock Springs Road, NE

Department PRCA Division: Parks

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges that he sustained damage to his home when a tree located in the City's right-of-way fell. The investigation determined that the City had no knowledge of any problem with the tree prior to the date of this 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 \_\_\_\_\_

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,

  
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

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

Claims Manager:  Concur/date 09-20-01

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 3186  
10/15/01  
3:51 PM

Atlanta City Council

Regular Session

MULTIPLE  
01-R-1622

Unfavorable Claims; Items #6-#23,  
#26 & #27  
ADVERSE

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 0

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

CORRECTED COPY

MULTIPLE