

ADOPTED BY  
NOV 19 2001  
COUNCIL

Entered - 09-04-01 - sb  
CL - 01L0549 ALEXIS HOLMES

CLAIM OF: **FRANCEINE TAGUE**  
2872 Wesley Heath, NW  
Atlanta, Georgia 30327

01- R-1813

For damages alleged to have been sustained as a result of paying to removing a hazardous City tree from the right away near her property on July 6, 2001 at 2872 Wesley Heath, NW.

BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE:

**BE IT RESOLVED** by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **FRANCINE TAGUE** the sum of **\$1,750.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character **for damages alleged to have been sustained as a result of paying to removing a hazardous City tree from the right away near her property on July 6, 2001 at 2872 Wesley Heath, NW** as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

ATLANTA CITY COUNCIL PRESIDENT  
NOV 19 2001  
Handwritten signature: *Frank J. Riffe*

NOV 19 2001  
Handwritten signature: *Rosalind Rubens Newell*

**FAVORABLE REPORT**

COMM: \_\_\_\_\_  
DATE: NOV 19 2001  
CHAIR: C. T. Minto  
Clara Thomas  
[Signature]  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPROVED

NOV 28 2001

WITHOUT SIGNATURE  
BY OPERATION OF LAW

**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**01-R-1813**

**A RESOLUTION**

**BY PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE**

**BE IT RESOLVED BY** the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Franceine Tague** in the sum of **\$1,750.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of **paying to remove a hazardous City tree from the right away near her property on July 06, 2001 at 2872 Wesley Heath, NW** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

  
Municipal Clerk, CMC

**ADOPTED** by the Council  
**RETURNED WITHOUT SIGNATURE OF THE MAYOR**  
**APPROVED** as per City Charter Section 2-403

NOV 19, 2001

NOV 28, 2001

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0549

Date: 10/28/01

Claimant /Victim FRANCINE TAGUE

BY: (Atty)

Address: 2872 Wesley Heath, NW Atlanta, Georgia, Georgia 30327

Subrogation: Claim for Property damage \$ 1,750.00 Bodily Injury \$

Date of Notice: 8/8/01 Method: Written, proper X Improper

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

Date of Occurrence 7/6/01 Place: 429 Altoona Place, SW

Department PRCA Division: Parks

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant sustained damages when she paid to have a hazardous City tree removed from the right away near her property. Also, the claimant received a report from the City's arborist on June 15, 2001 and an independent arborist stating that the tree was hazardous, and should be removed. However the hazardous situation persisted and the City failed to remove the tree, therefore the claimant had the tree removed.

INVESTIGATION:

Statements: City employee Claimant X Other Written X Oral X

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 X

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent X City Negligent X Joint Claim Abandoned

Respectfully submitted,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ 1,750.00 Adverse Account charged: 1A01 X 2J01 2H01

Claims Manager: Concur/date 10-31-01

Committee Action: Council Action

Atlanta City Council

Regular Session

MULTIPLE

Favorable Claims; Public Safety Items  
1 through 18  
ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 3

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

01-R-1809  
01-R-1810  
01-R-1811  
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01-R-1854

MULTIPLE