

Entered -3-15-01 - sb
CL 00L0177 - GWENDOLYN BURNS

01- R-1850

CLAIM OF:

JOANNA JOHNSON
1091 St. Charles Place, NE
Atlanta, Georgia 30306

For property damages alleged to have been sustained when a hole was created in a sidewalk during a tree removal project on February 5, 2001 at 1091 St. Charles Place, NE.

THIS ADVERSED REPORT IS
APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSED BY
CITY COUNCIL NOV 19 2001

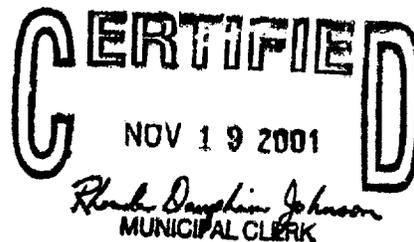
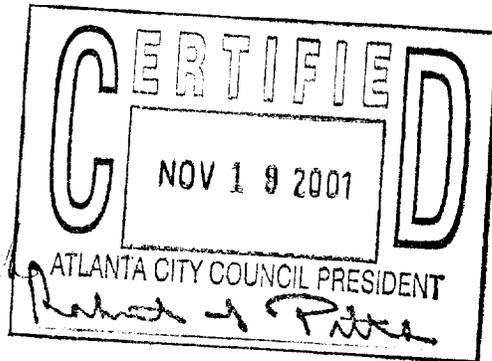
ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE NOV 19 2001

CHAIR

Cleopatra Anderson
Chair
AWJ





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

November 30, 2001

Joanna Johnson
1091 St. Charles Place, NE
Atlanta, GA 30306

01-R-1850

Dear Ms. Johnson:

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 November 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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0177

Date: October 17, 2001

Claimant /Victim JOANNA JOHNSON
BY: (Atty) (Ins. Co.)
Address: 1091 St. Charles Place, NE, Atlanta, Georgia 30306
Subrogation: Claim for Property damage \$ unspecified Bodily Injury \$
Date of Notice: 3/14/01 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 2/5/01 Place: 1091 St. Charles Place, NE
Department PARKS, RECREATION & CULTURAL AFFAIRS Division Parks
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant sustained property damage when a limb fell and created a hole in the sidewalk during the City's removal of a dead tree. However, City forces will be used to repair the damaged sidewalk.

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 Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces X
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 10-31-01
Committee Action: Council Action

RCS# 3297
11/19/01
5:16 PM

Atlanta City Council

Regular Session

MULTIPLE

Unfavorable Claims; Public Safety Items
19 through 37
ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 3

Y McCarty
B Starnes
Y Bond
Y Winslow

B Dorsey
Y Woolard
B Morris
Y Muller

Y Moore
Y Martin
NV Maddox
Y Boazman

Y Thomas
Y Emmons
Y Alexander
NV Pitts

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01-R-1837
01-R-1838
01-R-1839
01-R-1840
01-R-1841
01-R-1842
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01-R-1855

MULTIPLE