

Entered - 10-26-01 - sb
CL01L0681 - ALEXIS HOLMES

CLAIM OF: **KIMBERLY A. MOORE**
6726 Tara Boulevard
Apartment #18
Jonesboro, Georgia 30236

02-~~12~~ -0231

For damages sustained due to a tree falling on her fence during a heavy rainstorm on July 1, 2001 at 1239 Lockwood Drive.

THIS ADVERSE REPORT IS APPROVED

BY: *Robert N. Godfrey*
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

CONSENT AGEND

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 02/10/2002

CHAIR: *Clara Thurston*

C. T. Martin

Chela Smith

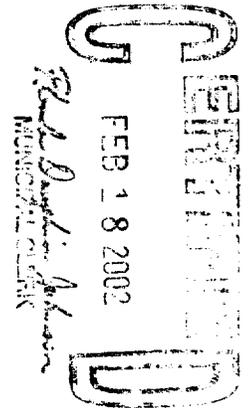
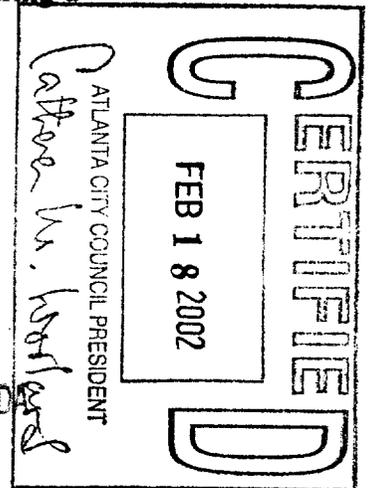
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ADVERSE BY FEB 18
CITY COUNCIL



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 27, 2002

Kimberly A. Moore
6726 Tara Boulevard
Apartment 18
Jonesboro, GA 30236

02-R-0231

Dear Ms. Moore:

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 18, 2002. 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. 01L0681

Date: 01/28/02

Claimant /Victim KIMBERLY A. MOORE
BY: (Atty)
Address: 6726 Tara Boulevard Apartment #18 Jonesboro, Georgia 30236
Subrogation: Claim for Property damage \$ 350.52 Bodily Injury \$
Date of Notice: 10-18-01 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 07-01-01 Place: 1239 Lockwood Drive, SW
Department PRCA Division: Parks
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that she sustained property damage when a tree situated in a City right-of-way fell onto her fence during a heavy rainstorm. The City had no notice of any problems with the tree prior to it falling. Furthermore, the City is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee Claimant X Other Written X Oral X
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,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 01-29-02
Committee Action: Council Action

RCS# 3453
2/18/02
2:38 PM

Atlanta City Council

Regular Session

CONSENT I

Except:0151; 0204; 0235; 0238; 0259;
0260; 0255; 0205; 0206; 0207; 0208

ADOPT

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

**SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA**

| | | | |
|-----------|-------------|-----------|------------|
| Y Smith | Y Archibong | Y Moore | Y Mitchell |
| Y Starnes | NV Fauver | Y Martin | Y Norwood |
| Y Young | Y Shook | Y Maddox | Y Willis |
| Y Winslow | Y Muller | Y Boazman | NV Woolard |

**ITEM (S) REMOVED FROM
CONSENT AGENDA**

**02-O-0255
02-R-0204
02-R-0206
02-R-0235
02-R-0238**

CORRECTED COPY

02/18/02 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 02-O-0151
2. 02-O-0162
3. 02-O-0239
4. 02-O-0188
5. 02-O-0189
6. 02-O-0269
7. 02-O-0259
8. 02-O-0260
9. 02-O-0154
10. 02-O-0156
11. 02-O-0157
12. 02-O-0158
13. 02-O-0148
14. 02-R-0201
15. 02-R-0202
16. 02-R-0236
17. 02-R-0205
18. 02-R-0207
19. 02-R-0208
20. 02-R-0195
21. 02-R-0196
22. 02-R-0234
23. 02-R-0241
24. 02-R-0210
25. 02-R-0211
26. 02-R-0212
27. 02-R-0213
28. 02-R-0214
29. 02-R-0215
30. 02-R-0216
31. 02-R-0217
32. 02-R-0218

**ITEMS ADVERSED ON
CONSENT AGENDA**

33. 02-R-0219
 34. 02-R-0220
 35. 02-R-0221
 36. 02-R-0222
 37. 02-R-0223
 38. 02-R-0224
 39. 02-R-0225
 40. 02-R-0226
 41. 02-R-0227
 42. 02-R-0228
 43. 02-R-0229
 44. 02-R-0230
 45. 02-R-0231
 46. 02-R-0232
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