Entered – 01-15-02 - sb
CL – 02L0054 ALEXIS HOLMES

02-R-0646

CLAIM OF: **BRIAN BISHOP**
225 Elizabeth Street, NE
Atlanta, Georgia 30307

For damages alleged to have been sustained as a result of City workers dropping a log onto his fence while cutting down a tree on October 9, 2001 at 225 Elizabeth Street, NE.

THIS ADVERSE REPORT IS APPROVED

BY: _____
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

ADVERSED BY CITY COUNCIL MAY 06

CERTIFIED
MAY 06 2002
ATLANTA CITY COUNCIL PRESIDENT
Cathexia M. Woolard

CONSENT AGENDA

ADVERSE REPORT
Public Safety
4/19/02

CERTIFIED
MAY 06 2002
Rhonda Dauphin Johnson
MUNICIPAL CLERK

CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

FORIS WEBB, III
DEPUTY MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

May 21, 2002

Brian Bishop
225 Elizabeth St., NE
Atlanta, GA 30307

02-R-0646

Dear Mr. Bishop:

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 May 6, 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. 02L0054 Date: 03/26/02

Claimant /Victim BRIAN BISHOP
BY: (Atty) _____
Address: 225 Elizabeth Street, NE Atlanta, Georgia 30307
Subrogation: _____ Claim for Property damage $ 75.00 Bodily Injury $ _____
Date of Notice: 12/21/01 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 10/9/01 Place: 225 Elizabeth Street
Department PRCA Division: Parks
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant sustained damages to his property when City workers dropped a log while removing a tree, and it bounced onto the claimant's fence causing damages in the above amount. However, the City is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Other _____ Written X 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 X Joint _____ Claim Abandoned _____

Respectfully submitted,

Alexis Holmes

INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay $ 75.00 Adverse _____ Account charged: 1A01 X 2J01 _____ 2H01 _____
_____ Claims Manager: [illegible] Concur/date 02-27-02
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 3723
5/06/02
4:03 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-14: Except 02-R-0507: 02-O-0668
02-R-0701; 02-O-0594; 02-O-0675; 0584
ADOPT

YEAS:	14
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	1
EXCUSED:	0
ABSENT	1

SEE ATTACHED LISTING OF ITEMS ADOPTED/ADVERSED ON CONSENT AGENDA

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

ITEM (S) REMOVED FROM <u>CONSENT AGENDA</u>
02-R-0701
02-O-0584
02-O-0594
02-O-0675
02-O-0668

CONSENT I

		05/06/02 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	**ITEMS ADOPTED ON CONSENT AGENDA**	**ITEMS ADVERSED ON CONSENT AGENDA**
1. 02-O-0666	34. 02-R-0613	47. 02-R-0625
2. 02-O-0678	35. 02-R-0614	48. 02-R-0626
3. 02-O-0681	36. 02-R-0615	49. 02-R-0627
4. 02-O-0684	37. 02-R-0616	50. 02-R-0628
5. 02-O-0487	38. 02-R-0617	51. 02-R-0629
6. 02-O-0491	39. 02-R-0618	52. 02-R-0630
7. 02-O-0686	40. 02-R-0619	53. 02-R-0631
8. 02-O-0687	41. 02-R-0620	54. 02-R-0632
9. 02-O-0688	42. 02-R-0621	55. 02-R-0633
10. 02-O-0086	43. 02-R-0622	56. 02-R-0634
11. 02-O-0672	44. 02-R-0623	57. 02-R-0635
12. 02-O-0689	45. 02-R-0624	58. 02-R-0636
13. 02-O-0563	46. 02-R-0700	59. 02-R-0637
14. 02-O-0673		60. 02-R-0638
15. 02-O-0674		61. 02-R-0639
16. 02-R-0512		62. 02-R-0640
17. 02-R-0680		63. 02-R-0641
18. 02-R-0598		64. 02-R-0642
19. 02-R-0697		65. 02-R-0643
20. 02-R-0600		66. 02-R-0644
21. 02-R-0658		67. 02-R-0645
22. 02-R-0702		68. 02-R-0646
23. 02-R-0480		69. 02-R-0647
24. 02-R-0507		70. 02-R-0648
25. 02-R-0501		71. 02-R-0649
26. 02-R-0604		72. 02-R-0650
27. 02-R-0704		73. 02-R-0651
28. 02-R-0607		74. 02-R-0652
29. 02-R-0608		75. 02-R-0653
30. 02-R-0609		76. 02-R-0654
31. 02-R-0610		77. 02-R-0655
32. 02-R-0611		78. 02-R-0656
33. 02-R-0612		79. 02-R-0657

RCS# 3722
5/06/02
4:02 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-14: Except 02-R-0507: 02-O-0584
02-R-0701; 02-O-0594; 02-O-0675
RECONSIDER

YEAS:	13
NAYS:	1
ABSTENTIONS:	0
NOT VOTING:	1
EXCUSED:	0
ABSENT	1

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

CONSENT I

RCS# 3703
5/06/02
2:34 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-14: Except 02-R-0507: 02-O-0584
02-R-0701; 02-O-0594; 02-O-0675
ADOPT

YEAS:	14
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	1
EXCUSED:	0
ABSENT	1

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