

ADVERSE REPORT  
CITY OF ATLANTA  
OCT 21 2002

Entered 08-29-02 - sb  
CL 02L0613 GWENDOLYN BURNS

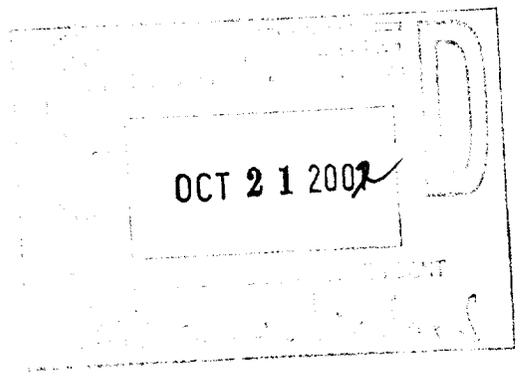
02-R-1366

**CLAIM OF: JOHN PARKS**  
2310 Beecher Road, SW  
Atlanta, Georgia 30311

For vehicular damages sustained when a limb from a tree located in the City's right-of-way fell on a vehicle on July 23, 2001 at 2310 Beecher Road, SW.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY



### ADVERSE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 10/15/02

CHAIR: \_\_\_\_\_

Natalie Light

Clara Henslow

Hend Smith

Carla Smith

[Signature]



## 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 23, 2002

John Parks  
2310 Beecher Rd., SW  
Atlanta, GA 30311

02-R-1366

Dear Mr. Parks:

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 21, 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. 02L0613

Date: October 1, 2002

Claimant /Victim JOHN PARKS
BY: (Atty) (Ins. Co.)
Address: 2310 Beecher Road, SW, Atlanta, Georgia 30311
Subrogation: Claim for Property damage \$ unspecified Bodily Injury \$
Date of Notice: 8/14/02 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 07/23/02 Place: 2310 Beecher Road, SW
Department PARKS, RECREATION AND CULTURAL AFFAIRS Division Parks
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that his fence sustained damage from a tree that fell from the public right-of-way. However, an investigation determined that the tree fell as a result of a storm. Secondly, a City arborist determined that the subject tree was located on private property and not City property.

INVESTIGATION:

Statements: City employee Claimant Others Written 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 X Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

Gwendolyn Burns
INVESTIGATOR GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2P01 2H01
Claims Manager: Concur/date 10-02-02
Committee Action: Council Action

RCS# 4102  
10/21/02  
2:12 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-14; Except 02-o-1643; 02-O-1795  
02-R-1803; 02-R-1729

ADOPT

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

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

CONSENT I

---

**10/21/02 Council Meeting**

---

**ITEMS ADOPTED ON CONSENT  
AGENDA**

1. 02-O-1368
2. 02-O-1710
3. 02-O-1674
4. 02-O-1645
5. 02-O-1646
6. 02-O-1647
7. 02-O-1648
8. 02-O-1672
9. 02-O-1726
10. 02-O-1728
11. 02-O-1776
12. 02-O-1779
13. 02-O-1781
14. 02-O-1783
15. 02-O-1790
16. 02-O-1791
17. 02-O-1661
18. 02-O-1793
19. 02-O-1584
20. 02-O-1636
21. 02-O-1788
22. 02-R-1176
23. 02-R-1736
24. 02-R-1737
25. 02-R-1745
26. 02-R-1769
27. 02-R-1716
28. 02-R-1740
29. 02-R-1735
30. 02-R-1797
31. 02-R-1800
32. 02-R-1663
33. 02-R-1780
34. 02-R-1802
35. 02-R-1588
36. 02-R-1773
37. 02-R-1787
38. 02-R-1799
39. 02-R-1760
40. 02-R-1761
41. 02-R-1762
42. 02-R-1763
43. 02-R-1764
44. 02-R-1765

**ITEMS ADVERSE  
ON CONSENT AGENDA**

45. 02-R-1766
46. 02-R-1767
47. 02-R-1768
48. 02-R-1746
49. 02-R-1747
50. 02-R-1748
51. 02-R-1749
52. 02-R-1750
53. 02-R-1751
54. 02-R-1752
55. 02-R-1753
56. 02-R-1754
57. 02-R-1755
58. 02-R-1756
59. 02-R-1757
60. 02-R-1758
61. 02-R-1759
62. 02-R-1366

---

Consent I Vote:           12 Yeas; 0 Nays           (See RCS #4102)  
Items Removed from Consent: 02-O-1643; 02-O-1795; 02-R-1803; 02-R-1729