

Entered - 05-20-02 - sb  
CL 02L0358 - GWENDOLYN BURNS

CLAIM OF: CAROLYN CHERRY ZIMMER  
3756 Whitney Place  
Duluth, Georgia 30096

02-R-1949

For vehicular damages alleged to have been sustained when a tree  
on City property fell on a parked vehicle on May 4, 2002 at 1404  
McLendon Drive.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

NOV 18 2002

**CERTIFIED**  
NOV 18 2002  
Rosalind Rubens Newell  
MUNICIPAL CLERK

ADVERSED BY  
CITY COUNCIL NOV 18 2002

**ADVERSE REPORT**

COMM: Public Safety

DATE: 11/13/02

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

Carla Smith

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## 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 25, 2002

Carolyn Cherry Zimmer  
37756 Whitney Place  
Duluth, GA 30096

02-R-1949

Dear Ms. Zimmer:

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 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. 02L0358

Date: October 30, 2002

Claimant /Victim CAROLYN CHERRY ZIMMER
BY: (Atty) (Ins. Co.)
Address: 3756 Whitney Place, Duluth, Georgia 30096
Subrogation: Claim for Property damage \$ 1,511.07 Injury \$
Date of Notice: 5/15/02 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 5/4/02 Place: 1404 McLendon Avenue & Oakdale Road
Department PARKS, RECREATION AND CULTURAL AFFAIRS Division Parks
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that her parked vehicle sustained damage when it was struck by a limb that fell from a tree that was located on City property. However, an investigation determined that the City did not conduct any work or receive notice of any complaints at this location prior to the date of Claimant's incident.

STIGATION:

Statements: City employee Claimant Others Written Oral
Pictures X 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 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,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2PO1 2J01 2H01
Claims Manager: Concur/date 10-31-02
Committee Action: Council Action

RCS# 4225  
11/18/02  
2:59 PM

Atlanta City Council

Regular Session

CONSENT I            Pgs. 1-9; Except 02-R-1982; 02-O-1882;

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 0

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

CONSENT I

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**11/18/02 Council Meeting**

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**ITEMS ADOPTED ON CONSENT  
AGENDA**

1. 02-O-1774
2. 02-O-1972
3. 02-O-1297
4. 02-O-1859
5. 02-O-1860
6. 02-O-1861
7. 02-O-1974
8. 02-O-1979
9. 02-O-1902
10. 02-O-1962
11. 02-O-1971
12. 02-O-1863
13. 02-O-1864
14. 02-R-1924
15. 02-R-1952
16. 02-R-1966
17. 02-R-1996
18. 02-R-2000
19. 02-R-1951
20. 02-R-1954
21. 02-R-1978
22. 02-R-1983
23. 02-R-1984
24. 02-R-1856
25. 02-R-1931
26. 02-R-1932
27. 02-R-1933
28. 02-R-1934
29. 02-R-1935
30. 02-R-1936

**ITEMS ADVERSED  
ON CONSENT AGENDA**

31. 02-R-1937
32. 02-R-1938
33. 02-R-1939
34. 02-R-1940
35. 02-R-1941
36. 02-R-1942
37. 02-R-1943
38. 02-R-1944
39. 02-R-1945
40. 02-R-1946
41. 02-R-1947
42. 02-R-1948
43. 02-R-1949
44. 02-R-1950

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Consent I Vote:           13 Yeas; 0 Nays           (See RCS #4225)  
Items Removed from Consent: 02-R-1982; 02-R-1882