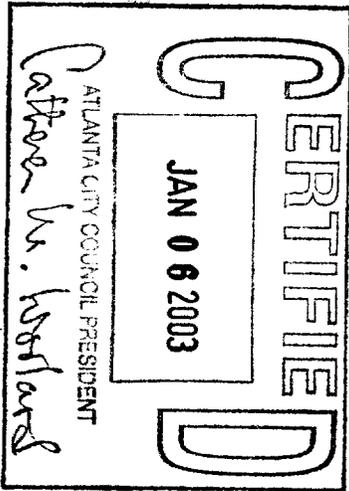


Entered 08-01-02 - sb  
CL 02L0516 - GWENDOLYN BURNS

02-R-2145



CLAIM OF: JEFF MUENSTER  
272 Bridgewater Street  
Atlanta, Georgia 30310

For property damages alleged to have been sustained when a fence was damaged by a tree that fell from City property on May 3, 2002 at 272 Bridgewater Street.

THIS ADVERSED REPORT IS APPROVED



BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

ADVERSED BY CITY COUNCIL JAN 06 2003

### ADVERSE REPORT

COMM: \_\_\_\_\_  
DATE: \_\_\_\_\_  
CHAIR: \_\_\_\_\_  
C. T. Woodard  
H. S. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## 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

January 14, 2003

Jeff Muenster  
272 Bridgewater Street  
Atlanta, GA 30310

02-R-2145

Dear Ms. Muenster:

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 January 6, 2003. 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. 02L0516

Date: November 26, 2002

Claimant /Victim JEFF MUENSTER
BY: (Atty) (Ins. Co.)
Address: 872 Bridgewater Street, Atlanta, Georgia 30310
Subrogation: Claim for Property damage \$ 388.71 Bodily Injury \$
Date of Notice: 7/17/02 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 5/3/02 Place: 872 Bridgewater Street
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 City property. However, an investigation determined that the tree fell as a result of a storm. Furthermore, 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 11-27-02
Committee Action: Council Action



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**1/06/03 Council Meeting****ITEMS ADOPTED ON CONSENT  
AGENDA**

1. 02-O-2008
2. 02-O-2071
3. 02-O-2175
4. 02-O-2170
5. 02-O-2171
6. 02-O-2024
7. 02-O-2172
8. 02-R-2130
9. 02-R-2157
10. 02-R-2158
11. 02-R-2159
12. 02-R-2186
13. 02-R-1964
14. 02-R-1965
15. 02-R-2067
16. 02-R-2134
17. 02-R-2135
18. 02-R-2136
19. 02-R-2137
20. 02-R-2138
21. 02-R-2139
22. 02-R-2140
23. 02-R-2141

**ITEMS ADVERSED ON CONSENT  
AGENDA**

24. 02-R-2142
25. 02-R-2143
26. 02-R-2144
27. 02-R-2145
28. 02-R-2146
29. 02-R-2147
30. 02-R-2148
31. 02-R-2149
32. 02-R-2150
33. 02-R-2151
34. 02-R-2152
35. 02-R-2153
36. 02-R-2154
37. 02-R-2155
38. 02-R-2156

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Consent I Vote: 11 Yeas; 0 Nays (See RCS #4344)

Items Removed from the Consent Agenda: 02-O-1853; 02-R-1770; 02-R-2007; 02-R-2056