

Entered - 12/31/02 - sb  
CL02L0937 - DIANNE C. MITCHELL

03- R -0180

CLAIM OF: **RACHELLE Y. MARTIN-GARNER**  
1083 Amberglade Way  
Douglasville, Georgia 30134

For damages alleged to have been sustained as a result of vehicular damage due to a fallen tree limb on October 7 or 14, 2002 at Moores Mill Road and Bolton Road.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell  
**ROSALIND RUBENS NEWELL**  
DEPUTY CITY ATTORNEY

**CERTIFIED**  
ATLANTA CITY COUNCIL PRESIDENT  
FEB 17 2003  
*Catherine W. Woodard*

**CERTIFIED**  
FEB 17 2003  
*Rosalind Rubens Newell*  
MUNICIPAL CLERK

ADVERSE REPORT  
CITY COUNCIL FEB 17 2003

**ADVERSE REPORT**

COMM: Public Safety  
DATE: 2/11/03  
BY: [Signature]  
BY: [Signature]  
BY: [Signature]  
BY: [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

February 18, 2003

Rachelle Y. Martin-Garner  
1083 Amberglade Way  
Douglasville, GA 30134

03-R-0180

Dear Ms. Garner:

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 17, 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.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0937

Date: January 29, 2002

Claimant /Victim RACHELLE Y. MARTIN-GARNER

BY: (Atty.) (Ins. Co.)

Address: 1083 Amberglade Way, Douglasville, Georgia 30134

Subrogation: Claim for Property damage \$ 300.45 Bodily Injury \$

Date of Notice: 12/17/02 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 10/7or14/02 Place: Moores Mill Road and Bolton Rod

Department PRCA Bureau: Parks

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges her vehicle was damaged when a tree limb fell. The investigation determined that the City had no notice of any hazardous conditions associated with this tree prior to the incident involving the claimant. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

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,

[Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01

Claims Manager: [Signature] Concur/date 01-29-03

Committee Action: Council Action

RCS# 4470  
2/17/03  
2:22 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-11: Except 03-R-0224

ADOPT

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

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

CONSENT I

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**2/17/03 FULL COUNCIL MEETING**

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**Items Adopted on the  
Consent Agenda**

1. 02-O-0037
2. 03-O-0127
3. 03-O-0185
4. 03-O-0187
5. 03-O-0085
6. 03-O-0125
7. 03-R-0143
8. 03-R-0144
9. 03-R-0189
10. 03-R-0210
11. 03-R-0211
12. 03-R-0212
13. 03-R-0213
14. 03-R-0145
15. 03-R-0146
16. 03-R-0149
17. 03-R-0150
18. 03-R-0151
19. 03-R-0152
20. 03-R-0153
21. 03-R-0160
22. 03-R-0207
23. 03-R-0208
24. 03-R-0209
25. 03-R-0141
26. 03-R-0142
27. 03-R-0140
28. 03-R-0128
29. 03-R-0129
30. 03-R-0130
31. 03-R-0131
32. 03-R-0132
33. 03-R-0133
34. 03-R-0134
35. 03-R-0135
36. 03-R-0136

**Items Adversed on the Consent  
Agenda**

37. 03-R-0161
38. 03-R-0162
39. 03-R-0137
40. 03-R-0138
41. 03-R-0139
42. 03-R-0163
43. 03-R-0164
44. 03-R-0165
45. 03-R-0166
46. 03-R-0167
47. 03-R-0168
48. 03-R-0169
49. 03-R-0170
50. 03-R-0171
51. 03-R-0172
52. 03-R-0173
53. 03-R-0174
54. 03-R-0175
55. 03-R-0176
56. 03-R-0177
57. 03-R-0178
58. 03-R-0179
59. 03-R-0180
60. 03-R-0181
61. 03-R-0201

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Consent I Vote: 14Yeas; 0 Nays: (See RCS #4470)  
Item Removed from the Consent Agenda: 03-R-0224