

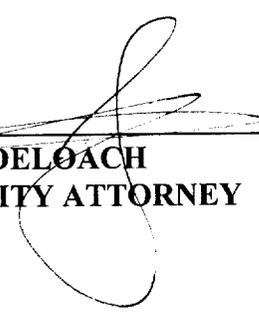
Entered - 11/22/02 - sb
CL02L0853 - DIANNE C. MITCHELL

CLAIM OF: **BILLIE JO**
980 St. Charles Avenue, NE
Apt. 5
Atlanta, Georgia 30306

03-R-0885

For damages alleged to have been sustained as a result of vehicular damage due to a fallen tree limb on October 26, 2002 at 980 St. Charles Avenue, NE.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSED BY
COUNCIL JUN, 16 2003

CERTIFIED
JUN 16 2003
Paul Douglas Johnson
MUNICIPAL CLERK

CERTIFIED
JUN 16 2003
ATLANTA CITY COUNCIL PRESIDENT
Alton M. Ford

ADVERSE REPORT

COMM: 6/10/03

DATE: _____

CHAIR: _____

Marie Woodard

[Signature]

[Signature]

E. T. M...



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

June 27, 2003

Billie Jo
980 St. Charles Ave., NE
Apartment 5
Atlanta, GA 30306

03-R-0885

Dear Ms. Jo:

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 June 16, 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. 02L0853

Date: May 27, 2003

Claimant /Victim BILLY JO
BY: (Atty.) (Ins. Co.)
Address: 980 St. Charles Avenue, NE, Apt. 5, Atlanta, Georgia 30306
Subrogation: Claim for Property damage \$ 1,256.90 Bodily Injury \$
Date of Notice: 11/12/02 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 10/26/02 Place: 980 St. Charles Avenue, NE
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. Furthermore, 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 05-27-03
Committee Action: Council Action

		6/16/03 Full Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-0906	34. 03-R-0855	45. 03-R-0866
2. 03-O-0911	35. 03-R-0856	46. 03-R-0867
3. 03-O-0905	36. 03-R-0857	47. 03-R-0868
4. 03-O-0764	37. 03-R-0858	48. 03-R-0869
5. 03-O-0914	38. 03-R-0859	49. 03-R-0870
6. 03-O-0667	39. 03-R-0860	50. 03-R-0871
7. 03-O-0671	40. 03-R-0861	51. 03-R-0872
8. 03-O-0839	41. 03-R-0862	52. 03-R-0873
9. 03-O-0908	42. 03-R-0863	53. 03-R-0874
10. 03-O-0910	43. 03-R-0864	54. 03-R-0875
11. 03-O-0912	44. 03-R-0865	55. 03-R-0876
12. 03-R-0851		56. 03-R-0877
13. 03-R-0853		57. 03-R-0878
14. 03-R-0854		58. 03-R-0879
15. 03-R-0922		59. 03-R-0880
16. 03-R-0927		60. 03-R-0881
17. 03-R-0928		61. 03-R-0882
18. 03-R-0891		62. 03-R-0883
19. 03-R-0894		63. 03-R-0884
20. 03-R-0921		64. 03-R-0885
21. 03-R-0890		65. 03-R-0886
22. 03-R-0893		66. 03-R-0887
23. 03-R-0895		67. 03-R-0888
24. 03-R-0903		
25. 03-R-0938		
26. 03-R-0848		
27. 03-R-0849		
28. 03-R-0892		
29. 03-R-0918		
30. 03-R-0919		
31. 03-R-0923		
32. 03-R-0924		
33. 03-R-0897		

Consent I Vote: 10Yeas; 0Nays: (See RCS #4836)
 Items Removed from the Consent Agenda: 03-O-0913; 03-O-0693; 03-O-0668; 03-O-0669; 03-O-0929