Entered – 5/11/05 - sb
CL – 05L0364 - ANGELENA KELLY

05-R-1185

Claim of: Stephanie McCaa
156 Waverly Way
Atlanta, GA 30307

For damages alleged to have been sustained as a result of a tree falling on September 5, 2004 at 156 Waverly Way.

THIS ADVERSED REPORT IS APPROVED

BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

JUL 05 2005

RECEIVED
JUL 01 2005
MUNICIPAL CLERK

ADVERSED BY
CITY COUNCIL

JUL 18 2005

ADVERSE REPORT

PUBLIC SAFTEY &
LEGAL ADMINISTRATION COMMITTEE
DATE: 6/28/05
CHAIR: _____
_____
_____
_____
_____

CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

July 11, 2005

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

Stephanie McCaa
156 Waverly Way
Atlanta, GA 30307

05-R-1185

Dear Ms. McCaa:

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 July 05, 2005. 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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. **05L0364** Date: June 14, 2005

Claimant /Victim: **Stephanie McCaa**
BY:(Atty)(Ins. Co.)
Address: 156 Waverly Way, Atlanta, GA 30307
Subrogation: _____ Claim for Property damage $ 918.00 Bodily Injury $ _____
Date of Notice: 5/4/05 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) _____
Date of Occurrence: 9/4/04 Place: 156 Waverly Way
Department: PRCA Bureau: _____
Employee involved: _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that her fence and gate were damaged when a tree fell onto it. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. § 36-33-5, in that the six month statute of limitations expired prior to receipt of the claim.

INVESTIGATION:

Statements: City employee _____ Claimant X Others _____ Written _____ Oral _____
Pictures X Diagrams _____ Reports: Police X Dept Report _____ 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 X 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,

INVESTIGATOR – ANGELENA KELLY

RECOMMENDATION:

Pay $ _____ Adverse X Account charged: 1A01 ____ 2J01 ____ 2H01 ____ 2P01 ____
Claims Manager: _____ Concur/date 04/15/05
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 6810
7/05/05
3:03 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PG(S) 5-19 EXCEPT 05-R-1140

ADOPT

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

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

CONSENT I

		7/05/05
ITEMS ADOPTED ON CONSENT	**ITEMS ADOPTED ON CONSENT**	**ITEMS ADVERSED ON CONSENT**
1. 05-O-1198	31. 05-R-1142	43. 05-R-1153
2. 05-O-1071	32. 05-R-1143	44. 05-R-1154
3. 05-O-1050	33. 05-R-1144	45. 05-R-1155
4. 05-O-1051	34. 05-R-1145	46. 05-R-1156
5. 05-O-1206	35. 05-R-1146	47. 05-R-1157
6. 04-O-1364	36. 05-R-1147	48. 05-R-1158
7. 05-O-1058	37. 05-R-1148	49. 05-R-1159
8. 05-O-1059	38. 05-R-1149	50. 05-R-1160
9. 05-O-1083	39. 05-R-1150	51. 05-R-1161
10. 05-O-1092	40. 05-R-1151	52. 05-R-1162
11. 05-R-0113	41. 05-R-1152	53. 05-R-1163
12. 05-R-1213	42. 05-R-1238	54. 05-R-1164
13. 05-R-1007		55. 05-R-1165
14. 05-R-1046		56. 05-R-1166
15. 05-R-1048		57. 05-R-1167
16. 05-R-1088		58. 05-R-1168
17. 05-R-1137		59. 05-R-1169
18. 05-R-1138		60. 05-R-1170
19. 05-R-1139		61. 05-R-1171
20. 05-R-1141		62. 05-R-1172
21. 05-R-1196		63. 05-R-1173
22. 05-R-1239		64. 05-R-1174
23. 05-R-1136		65. 05-R-1175
24. 05-R-1124		66. 05-R-1176
25. 05-R-1125		67. 05-R-1177
26. 05-R-1130		68. 05-R-1178
27. 05-R-1193		69. 05-R-1179
28. 05-R-1197		70. 05-R-1180
29. 05-R-1212		71. 05-R-1181
30. 05-R-1237		72. 05-R-1182
		73. 05-R-1183
		74. 05-R-1184
		75. 05-R-1185
		76. 05-R-1186
		77. 05-R-1187
		78. 05-R-1188
		79. 05-R-1189
		80. 05-R-1190
		81. 05-R-1191