

Entered - 12-2-09 sb  
CL 09L0943 GWENDOLYN BURNS

CLAIM OF: **DOUGLAS J. IANNELLI**  
645 Greystone Park  
Atlanta, Georgia 30324

10- R -0271

For damages alleged to have been sustained when a herbie curbie which was protruding into the street was struck by an automobile on November 19, 2009 at 1212 Monroe Drive, NE.

THIS ADVERSED REPORT IS APPROVED

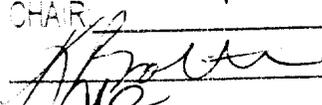
BY:   
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

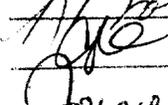
**ADVERSE REPORT**

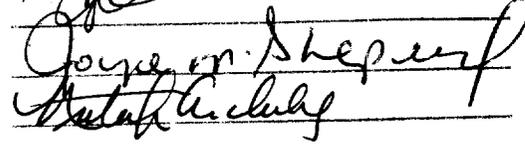
PUBLIC SAFTEY &  
LEGAL ADMINISTRATION COMMITTEE

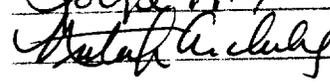
DATE: 2/9/10

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

 \_\_\_\_\_

 \_\_\_\_\_

 \_\_\_\_\_

 \_\_\_\_\_

\_\_\_\_\_

FEB 15 2010

FEB 15 2010

APPROVED BY  
CITY COUNCIL



CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

February 25, 2010

55 TRINITY AVENUE, S.W.  
SUITE 2700  
ATLANTA, GEORGIA 30303  
Main (404) 330-8033  
Fax (404) 658-6103  
Email [municipalclerk@atlantaga.gov](mailto:municipalclerk@atlantaga.gov)

Mr. Douglas J. Iannelli  
645 Greystone Park  
Atlanta, Georgia 30324

**10-R-0271**

Dear **Mr. Iannelli**

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 15, 2010. 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. 09L0943

Date: January 21, 2010

Claimant /Victim DOUG IANNELLI
BY: (Atty) (Ins. Co.)
Address: 645 Greystone Park, NE, Atlanta, Georgia 30324
Subrogation: Claim for Property damage \$ 463.01 Bodily Injury \$
Date of Notice: 11/24/09 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/19/09 Place: 1212 Monroe Drive, NE
Department PUBLIC WORKS Bureau: Office: Solid Waste Services
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that his vehicle sustained damages when he struck a herbie curbie that was left in the roadway by City workers after a garbage pickup. However, the City has no records of complaints for this problem and the claimant has failed to provide proof to show that City workers left the herbie curbie in the road.

INVESTIGATION:

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 Ministerial X
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 - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Manager: Concur/date 01/25/10
Committee Action: Council Action

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
35 Trinity Avenue, SW  
Atlanta, Georgia 30303

11/21  
RECEIVED  
OFFICE OF THE  
MUNICIPAL CLERK  
RE: 2000 AVALON FOR DAMAGES  
NOV 24 11 19 09  
Today's Date: 11/19/09 9:49

BURNS  
11/25/09  
D

ENTERED - 12-2-09 - SB  
09L0943 - G. BURNS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 463.01 property and/or \$ N/A bodily injury for which I contend the City is liable.

1. Date of incident: 11/19/09 2. Time of incident: 9:33 AM 3. Police called: NO
4. Location of incident (Including street address): 1212 MONROE DRIVE, ATLANTA, GA
5. Name of your insurance company: N/A Policy No. \_\_\_\_\_
6. State what and how incident occurred: SEE ATTACHED STATEMENT  
AND PICTURES.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle.

Your vehicle: TOYOTA AVALON LIMITED 2007, AWK9475, DOUGLAS J. IANNELLI  
(Make) (Year) (Tag Number) (Driver's Name)  
City vehicle: N/A  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: NONE

10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

[Signature]  
Signature of Claimant

DOUGLAS J. IANNELLI  
(Print Claimant's Name)

645 GREYSTONE PARK  
(Address)

ATLANTA GA 30324  
(City, State and Zip Code)

404-550-2473 404-888-0799  
(Work Number) (Home Number)

Douglas J. Iannelli  
645 Greystone Park, NE  
Atlanta, GA 30324  
404-550-2473  
djiannelli@aol.com

10-R -0271

November 19, 2009

Dear Municipal Clerk:

A City of Atlanta sanitation worker left an empty Herbie Curbie sticking out into the street, and I side-swiped it with the right side of my car. The impact knocked the Herbie Curbie back up onto the curb and against a tree, where it got wedged between the tree and my car and tore off my side-view mirror. It happened on November 19, 2009, at 9:33 a.m. in front of 1212 Monroe Drive in Atlanta as I was driving south on Monroe Drive.

I could not swerve to avoid it because a white Ford pick-up truck was traveling southbound next to me in the left lane.

Immediately after the impact I turned right onto Park Drive and then turned right on Orme Circle where I stopped a city recycling truck and asked the driver how to file a claim with the city. I explained what just happened, and she said she just saw the garbage truck come through. She handed me a sheet with frequently called phone numbers for the city. As I went back to look at the scene, I noticed another empty Herbie Curbie hanging off the curb in front of 1218 Monroe Drive (as shown in the attached picture), as well as 2 others immediately across the street at 1195 and 1207 Monroe (as shown in the attached picture) that were also hanging off the curb into the street. I also attached pictures of the Herbie Curbie that I hit, which is shown laying on its side, as it was after the impact.

The same day at approximately 10 a.m., I called 404-330-6333 and spoke with Jessica. She transferred me to Sherry Butler in the law department who emailed me the attached claims form. I have attached 2 written estimates and a copy of my registration. I will not be going through my insurance company for this body work, so I did not list my own insurance information. I want to resolve this matter as soon as possible since driving without a right-hand mirror is not safe. Thank you for your immediate attention.

Sincerely,



Doug Iannelli  
404-550-2473

RCS# 70  
2/15/10  
2:39 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Bond
NV Hall	Y Wan	Y Martin	NV Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	NV Sheperd	NV Mitchell

CONSENT I

		02-15-10
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 10-O-0163	36. 10-R-0160	53. 10-R-0260
2. 10-O-0167	37. 10-R-0244	54. 10-R-0261
3. 10-O-0229	38. 10-R-0245	55. 10-R-0262
4. 10-O-0317	39. 10-R-0246	56. 10-R-0263
5. 10-O-0153	40. 10-R-0247	57. 10-R-0264
6. 10-O-0154	41. 10-R-0248	58. 10-R-0265
7. 10-O-0155	42. 10-R-0249	59. 10-R-0266
8. 10-O-0156	43. 10-R-0250	60. 10-R-0267
9. 10-O-0158	44. 10-R-0251	61. 10-R-0268
10. 10-O-0159	45. 10-R-0252	62. 10-R-0269
11. 10-O-0157	46. 10-R-0253	63. 10-R-0270
12. 10-R-0242	47. 10-R-0254	64. 10-R-0271
13. 10-R-0243	48. 10-R-0255	65. 10-R-0272
14. 10-R-0124	49. 10-R-0256	66. 10-R-0273
15. 10-R-0282	50. 10-R-0257	67. 10-R-0274
16. 10-R-0283	51. 10-R-0258	
17. 10-R-0284	52. 10-R-0259	
19. 10-R-0285		
20. 10-R-0286		
21. 10-R-0287		
22. 10-R-0295		
23. 10-R-0299		
24. 10-R-0300		
25. 10-R-0301		
26. 10-R-0302		
27. 10-R-0233		
28. 10-R-0234		
29. 10-R-0235		
30. 10-R-0236		
31. 10-R-0237		
32. 10-R-0238		
33. 10-R-0239		
34. 10-R-0240		
35. 10-R-0316		