

Entered - 08/06/08 - sb  
CL 08L0681 - LISA CARTER

10- R-0436

CLAIM OF: **DAVID K. ROLLER, JR**  
3892 Wieuca Road, NE  
Atlanta, Georgia 30342

For damages alleged to have been sustained to a tree during the repair of a meter leak on April 24, 2008 at 3892 Wieuca Road, NE.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:**

**BE IT RESOLVED** by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **DAVID K. ROLLER, JR** the sum of **\$4,900.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained to a tree during the repair of a meter leak on April 24, 2008 at 3892 Wieuca Road, NE as is more particularly set forth in the within claim; said sum taken from and charged to account **5051.170201.5750002.4310000**.

APPROVED: **ROGER BHANDARI**  
ACTING CITY ATTORNEY

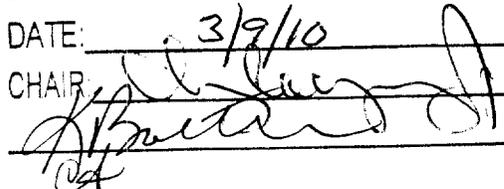


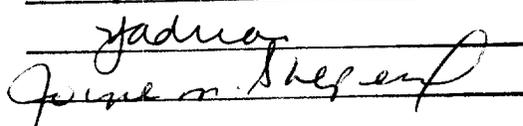
BY:   
**JERRY L. DELOACH**  
DEPUTY CITY ATTORNEY

**FAVORABLE REPORT**

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 3/9/10

CHAIR: 



ADOPTED BY  
MAR 15 2010  
COUNCIL

MAR 15 2010

**RECEIVED**  
MAR 15 2010  
CITY OF ATLANTA



**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**10-R-0436**

**A RESOLUTION**

**BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE**

**BE IT RESOLVED BY** the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **David K. Roller, Jr** the sum of **\$4,900.00** as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character, for property damages alleged to have been sustained as a result to a tree during the repair of a meter leak **on April 24, 2008, at 3892 Wieuca Road, NE** as is more particularly set forth in the within claim; said sum taken from and charged to Account **5051/170201/5750002/4310000**.

A true copy,

*Rhonda Daughkin Johnson*  
Municipal Clerk

ADOPTED by the Atlanta City Council  
APPROVED by Mayor kasim Reed

MAR 15, 2010  
MAR 23, 2010

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 08L0681

Date: February 11, 2010

Claimant /Victim DAVID K. ROLLER, JR

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

Address: 3892 Wieuca Road, NE Atlanta, Georgia 30342

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 9,340.00 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 07/23/08 Method: Written, proper  Improper \_\_\_\_\_

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

Date of Occurrence 04/24/08 Place: 3892 Wieuca Road, NE

Department Watershed Management Bureau: Drinking Water Office: \_\_\_\_\_

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant sustained damages to a tree during the repair of a water meter at 3892 Wieuca Road, NE causing damages in the above amount.

INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures  Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report  Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ 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,



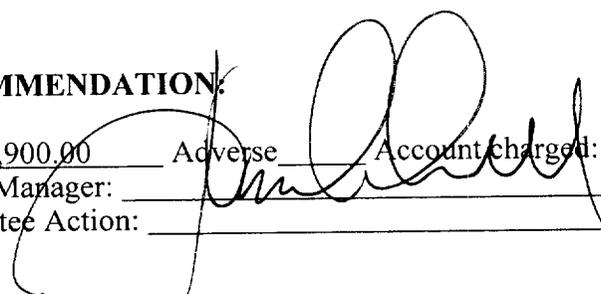
INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ 4,900.00 Adverse \_\_\_\_\_ Account charged: General Fund \_\_\_\_\_ Water & Sewer  Aviation \_\_\_\_\_

Claims Manager: \_\_\_\_\_ Concur/date 02/12/10

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_



RECEIVED  
COUNCIL OF  
MUNICIPAL CLERK

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

2008 JUL 23 PM 4:10

RE: CLAIM FOR DAMAGES

Today's Date: 7-17-08

ENTERED - 8-6-08 - SB  
08L0681 - L. CARTER

Carter  
08/04/08

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 9,340.<sup>00</sup> property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

- 1. Date of incident: 4/24/08 2. Time of incident: \_\_\_\_\_ 3. Police called: \_\_\_\_\_
- 4. Location of incident (including street address): 3892 Wieuca Road NE Atlanta, GA 30342
- 5. Name of your insurance company: \_\_\_\_\_ Policy No. \_\_\_\_\_
- 6. State what and how incident occurred: Please see attached

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: \_\_\_\_\_  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: \_\_\_\_\_

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

David K. Roller, Jr.  
(Print Claimant's Name)

3892 Wieuca Road NE  
(Address)

Atlanta, GA 30342  
(City, State and Zip Code)

404-264-2642      404-264-2650  
(Work Number)      (Home Number)

6. State what and how the incident occurred:

The Department of Watershed was doing a repair on a water leak near the street. To do this repair they said they needed to cut into the root of our historic tree. I asked them before they cut into the tree if they could consult with the city Arborist. They decided not to and proceeded to cut and destroy a major root. This caused this historic tree to slowly die. On April 24<sup>th</sup> 2008 we hired our own certified arborist to determine what we already feared, that the tree was completely dead. This tree was not only historic but provided shade and tremendous curb appeal to our home. Losing this tree has devalued our property and increased our heating/cooling costs. The City of Atlanta deemed it their fault and paid to have it's workers come and remove the tree completely.

RCS# 124  
3/15/10  
2:18 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

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

CONSENT I