Entered - 06/11/01 - sb
CL01L0356 - DIANNE C. MITCHELL

CLAIM OF: **ASHLEY MCLEOD**
1936 Wellona Place
Atlanta, Georgia 30345

01- ℓ -1242

For damages alleged to have been sustained as a result of vehicular damage due to protruding tree at 1059 Lanier Boulevard on May 2, 2001.

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **ASHLEY MCLEOD** the sum of **$1,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of vehicular damage due to protruding tree at 1059 Lanier Boulevard on May 2, 2001 as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0356 Date: August 1, 2001

Claimant /Victim ASHLEY MCLEOD
BY: (Atty)(Ins. Co.)
Address: 1936 Wellona Place, Atlanta, Georgia 30345
Subrogation: _____ Claim for Property damage $ 1,000.00 Bodily Injury $ _____
Date of Notice: 05/18/01 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 05/02/01 Place: 1059 Lanier Boulevard
Department PRCA Division: Parks
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant's vehicle was damaged when the driver of same struck a tree that was protruding into the roadway causing damages in the above amount. The investigation determined that the City had notice of the hazard and failed to take action prior to the incident involving the claimant's vehicle.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police X 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 _____ Damages reasonable X
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,

INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay $ 1,000.00 Adverse _____ Account charged: 1A01 X 2J01 _____ 2H01 _____
Claims Manager: _____ Concur/date 08-01-01
Committee Action: _____ Council Action _____

FORM 23-61

M Pickell 06/11/01

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RECEIVED
MAY 18 2001
MUNICIPAL CLERK

RE: CLAIM FOR DAMAGES

Today's Date: _____

ENTERED - 06-11-01 - DP
01L0356 - DIANNE MITCHELL

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of $ 1,000 - $1272.00 property and/or $ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 05 02 01 (month/day/ year) 2. Time of Incident: 7:25pm 3. Police called: ✓ Yes ____ No

4. Location of incident (including street address): 1059 Lanier Blvd.

5. Name of your insurance company: CNA Insurance Co. Policy No. 202424309

6. State what and how incident occurred: Driving down Lanier Blvd. and a tree, which was hanging too low struck the left part of my cage. The road is already tight and cars were parked all along the right side. Policeman wrote on my ticke that tree was extremely Low. Neighbors around area came out after heard noise and said they have called city to cut tree

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 (copy of the current tag receipt or title).

Your vehicle: Isuzu - NPR (Make) 2000 (Year) _____ (Tag Number) Daniel Lang McLEED (Driver's Name)

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

9. Witness: Mike Planas (Name) 9401 Roberts Dr. Apt #6B (Address) 678-472-8620 (Telephone Number)

10. The acknowledgment 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. **This claim should be mailed immediately to the address shown above.**

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

Signature of Claimant

Ashley McLEED
(Print Claimant's Name)

1936 Wellona Place
(Address)

Atlanta, GA 30345
(City, State and Zip Code)

(o) 404 931 3938 (Work Number) 404 329 1519 (Home Number)

404.633 9777 (o)

CURVATURE LANDSCAPES, INC.
1936 Wellona Place
Atlanta, Georgia 30345
(404) 931-3938 ©
(404) 633-9777 (o)
acmcleod@mindspring.com

May 14, 2001

Council of the City of Atlanta
Municipal Clerk
City Hall
55 Trinity Avenue, S.W.
Atlanta, GA 30335

City of Atlanta:

On May 2, 2001, Daniel Lang McLeod was driving the brand new company truck down Lanier Blvd. A magnolia branch was hanging extremely low into the street. The large limb was hit and caused great damage to the cage of the truck. Lanier Blvd. residences said they complained about the low branch to the City and have seen no response. The following estimates range between $1000 and $1200 to repair the damage. The damage has caused the cage to be unusable. We need to be reimbursed immediate to utilize this area. Please note the Officer Gantt's comments, noting the branch was hanging extremely low and a hazard to the public. Enclosed are photographs of the tree.. Please contact me at (404) 391-3938 © or (404) 633-9777 (o) or acmcleod@mindspring.com, if you have any questions. Please notify me as soon as possible to the procedures in getting compensation for the damages.

Sincerely,

Ashley McLeod

01- R -1242