

33

Entered -06-15-99 - sb  
CL99L0345 -GWENDOLYN BURNS

00-R-0806

CLAIM OF: **ALICIA D. WHYTE**  
103 Lakes Drive  
Atlanta, GA 30339

For damages alleged to have been sustained as a result of a vehicular incident on May 1, 1999 at Pine Street - Centennial Place Apartments.

THIS ADVERSED REPORT IS APPROVED

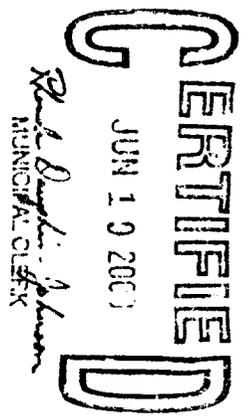
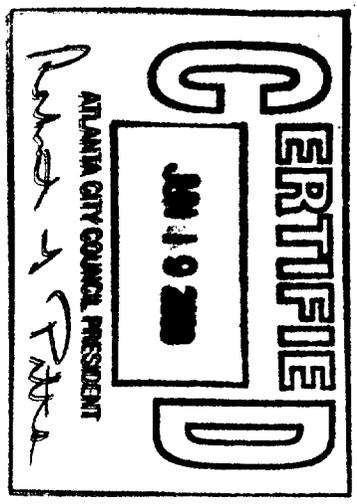
BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

# ADVERSE REPORT

COM: *RS & LA*

*6/13/00*

*Ca. T. Martin*  
*Chad Henderson*  
*Pauline Johnson*  
*John Smith*



ADVERSED BY  
CITY COUNCIL JUN 19 2000



**CITY OF ATLANTA  
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, 2000

Alicia D. Whyte  
103 Lakes Drive  
Atlanta, GA 30339

**00-R-0806**

Dear Ms. Whyte:

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 19, 2000. 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. 99L0345

Date: June 1, 2000

Claimant /Victim ALICIA D. WHYTE
BY: (Atty) (Ins. Co.)
Address: 103 Lakes Drive, Atlanta, Georgia 30339
Subrogation: Claim for Property damage \$ 974.93 Bodily Injury \$
Date of Notice: 5/28/99 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 5/1/99 Place: Pine Street - Centennial Place Apartments
Department PUBLIC WORKS Division Street
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that her vehicle sustained damage when she drove over a manhole that was under construction and left open and in an unsafe condition. An investigation determined that an outside contractor was performing work at this location. Claimant has been advised of same and her claim has been forwarded to the contractor for resolution.

INVESTIGATION:

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

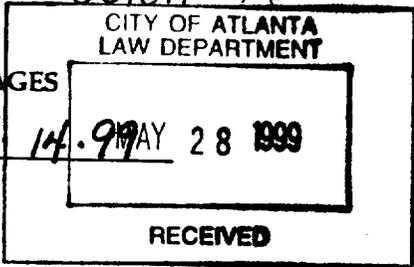
Respectfully submitted,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 06/02/00
Committee Action: Council Action

BURNS  
06/01/99



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

RE: CLAIM FOR DAMAGES

Today's Date: 5 14 1999 MAY 28 1999

Dear Municipal Clerk:

ENTERED - 6-15-99 - SB  
99L0345 - GWEN BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 974.93 property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: 5/1/99 (month/day/year) 2. Time of Incident: ~4:30 p.m. 3. Police called: Yes  No

4. Location of incident (including street address): Pine Street / Centennial Place Apartment

5. Name of your insurance company: GEICO Policy No. 140-78-65

6. State what and how incident occurred: I was driving down the hill on Pine Street and could not see the square hole + exposed sewer drain and hit the sewer drain. It busted the oil pan. I immediately stopped and all of oil ran out of my car. There was no grate covering the hole nor pylons. Also, the hole was not filled in w/ gravel or cement.

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: BMW 525i (Make) 1992 (Year) 796 PAF (Tag Number) Alicia D. Whyte (Driver's Name)

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

9. Witness: \_\_\_\_\_ (Name) \_\_\_\_\_ (Address) \_\_\_\_\_ (Telephone Number)

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. This claim should be mailed immediately to the address shown above.

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

Alicia D. Whyte  
Signature of Claimant

Alicia D. Whyte  
(Print Claimant's Name)

2101 Briarcliff Gables Circle  
Address

Atlanta, GA 30329  
(City, State and Zip Code)

4-830-0860 4-315-0886  
(Work Number) (Home Number)

5/00 New Address  
103 Lakes Drive  
Atlanta, GA 30339

00-R-0806

(7) 4331110

RCS# 2016  
6/19/00  
2:32 PM

Atlanta City Council

Regular Session

\*\*\*\*\*

Consent Agenda Pages (1 - 8)

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

ADOPT

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

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	B Maddox	Y Alexander
B Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
00-O-0795  
00-R-0831

PRESIDENT PITTS RECUSED ON 00-  
O-0756.

\*\*\*\*\*

<b>06/19/00 Council Meeting</b>	
<b>ITEMS ADOPTED ON CONSENT AGENDA</b>	<b>ITEMS ADVERSED ON CONSENT AGENDA</b>
<ol style="list-style-type: none"> <li>1. 00-O-0756*</li> <li>2. 00-O-0626</li> <li>3. 00-O-0749</li> <li>4. 00-O-0760</li> <li>5. 00-O-0829</li> <li>6. 00-O-0836</li> <li>7. 00-O-0709</li> <li>8. 00-O-0710</li> <li>9. 00-R-0750</li> <li>10. 00-R-0817</li> <li>11. 00-R-0839</li> <li>12. 00-R-0529</li> <li>13. 00-R-0813</li> <li>14. 00-R-0717</li> <li>15. 00-R-0823</li> <li>16. 00-R-0841</li> <li>17. 00-R-0819</li> <li>18. 00-R-0822</li> <li>19. 00-R-0828</li> <li>20. 00-R-0810</li> <li>21. 00-R-0856</li> </ol>	<ol style="list-style-type: none"> <li>22. 00-R-0796</li> <li>23. 00-R-0797</li> <li>24. 00-R-0798</li> <li>25. 00-R-0799</li> <li>26. 00-R-0800</li> <li>27. 00-R-0801</li> <li>28. 00-R-0802</li> <li>29. 00-R-0803</li> <li>30. 00-R-0804</li> <li>31. 00-R-0805</li> <li>32. 00-R-0806</li> <li>33. 00-R-0807</li> <li>34. 00-R-0808</li> <li>35. 00-R-0809</li> </ol> <p style="text-align: center; margin-top: 20px;">*PRESIDENT PITTS RECUSED ON 00-O-0756.</p>