

Entered - 07/06/00 - sb
CL0010400 - DIANNE C. MITCHELL

CLAIM OF: GERALD MORGAN
1275 South Gordon Road
Austell, Georgia 30168

For damages alleged to have been sustained
as a result of vehicular damage due to a road
defect on June 18, 2000 at Bankhead
Highway at Peyton Avenue.

CONSENT AGENDA

THIS ADVERSED REPORT IS
APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSE REPORT

COM Public Safety

DATE 8/11/2000

C. T. Martin

[Signature]

[Signature]

[Signature]

CERTIFIED
AUG 7 2000
ATLANTA CITY CLERK
[Signature]

CERTIFIED
AUG 07 2000
Rosalind Rubens Newell
MUNICIPAL CLERK

ADVERSED BY
CITY COUNCIL AUG 07 2000

00-2-1161

August 28, 2000

Gerald Morgan
1275 South Gordon Rd.
Austell, GA 30168

00-R-1161

Dear **Mr. Morgan:**

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 August 07, 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, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0400

Date: July 17, 2000

Claimant /Victim GERALD B. MORGAN

BY: (Atty)

Address: 1275 South Gordon Road, Austell, Georgia 30168

Subrogation: Claim for Property damage \$ 2,876.19 Bodily Injury \$

Date of Notice: 06/22/00 Method: Written, proper X Improper

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

Date of Occurrence 06/18/00 Place: Bankhead Highway at Peyton Avenue

Department Division:

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that his vehicle was damaged when he drove into a street defect at the above location. The investigation determined that the road where the incident occurred is part of the State Highway system and is the responsibility of the Georgia Department of Transportation. The claimant has been advised to pursue his with the Georgia Department of Transportation.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures 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 Ministerial

Improper Notice More than Six Months Other 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,

[Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse Account charged: 1A01 2J01 2H01

Claims Manager: [Signature] Concur/date 07-17-00

Committee Action: Council Action

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

RE: CLAIM FOR DAMAGES

Hand Delivered
Mitchell
Today's Date: 6/21/00 06/29/00
PAR.
JUN 22
DM

Dear Clerk of Council:

ENTERED - 7-6-00 - SB
00LO400 - DIANNE MITCHELL

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 2876.19 property and/or \$ _____ bodily injury for which I contend the City is liable.

- Date of incident: 06 18 00
(month/day/year)
- Police called: Yes No
- Location of incident: Benthead Hwy / Peyton Ave
- Name of your insurance company: Acceptance Policy No. UPCF-69891
- State what and how incident occurred: I was driving westbound on Benthead Hwy when I struck a large pot-hole causing damage to my vehicle.
- 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!
- 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: Acura 92 396 WGP Gerald Moran
(make) (year) (tag number) (driver's name)
City vehicle: _____
(make) (City driver's name) (department/bureau)
- Witness: Malinda Kearney 1020 Bolton Rd
(name) (address) Apt 1-10 Atl. Ga (telephone number)
- The acknowledgement of this claim in no way waives the Governmental 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).
- This claim should be mailed immediately to the address shown above.

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

Gerald B Moran
(claimant's name)
1275 S Garba Rd
(address)
Austell Ga 30168
(city and state)
(678) 522-6479 Same
(work number) (home number)

00-27-00 A11:38 IN
00-1161