

Entered - 04/22/99 - sb
CL99L0229 - DIANNE C. MITCHELL

CLAIM OF: **ALLAN WALLER**
3800 Ivey Road, NE
Atlanta, Georgia 30342

00-R -1509

For damages alleged to have been sustained as a result of property damage
to a driveway during February and March, 1999 at 3800 Ivey Road, NE.

THIS ADVERSED REPORT IS APPROVED

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

ADVERSED REPORT
cc: Public Safety
9/24/00
V.0 Ceta Wilson
Michael B.
City Clerk

CERTIFIED
OCT 2 2000
Detm M. Starnes
COUNCIL PRESIDENT PROTEM

ADVERSED BY
CITY COUNCIL OCT 02 2000

CONSENT AGENDA

CERTIFIED
OCT 02 2000
Rhonda Daughlin Johnson
MUNICIPAL CLERK



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

October 9, 2000

Allan Waller
3800 Ivey Rd., NE
Atlanta, GA 30342

00-R-1509

Dear Mr. Waller:

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 October 02, 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. 99L0229

Date: September 8, 2000

Claimant /Victim ALLAN WALLER
BY: (Atty.) (Ins. Co.)
Address: 3800 Ivey Road, NE, Atlanta, Georgia 30342
Subrogation: Claim for Property damage \$ not stated Bodily Injury \$
Date of Notice: 04/16/99 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence February & March, 1999 Place: 3800 Ivey Road, NE
Department Public Works Division: Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges he incurred property damage to his driveway due heavy equipment using same during the installation of a sewer main. The claimant has filed a lawsuit to resolve the issues raised in his claim.

INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X
Pictures Diagrams Reports: Police 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 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 - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: [Signature] Concur/date 09-08-00
Committee Action: Council Action

Mitchell
04/16/99
Du

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: 4/12/99

Dear Municipal Clerk:

ENTERED - 4-22-99 - SB
99L0229 - DIANNE MITCHELL

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

1. Date of incident: Feb/March 99 2. Time of Incident: _____ 3. Police called: _____
(month/day/year) Yes No

4. Location of incident (including street address): 3800 Ivy Rd. NE, Atlanta, GA 30342

5. Name of your insurance company: Cincinnati Ins. Co. Policy No: HR 8689180

6. State what and how incident occurred: Severe damage to our driveway by heavy construction equipment using our driveway to turn around

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: _____
(Make) (Year) (Tag Number) (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 employees(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.

Allan Waller
Signature of Claimant

ALLAN WALLER
(Print Claimant's Name)

3800 Ivy Rd. NE
(Address)

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

404 237 5770
(Work Number) (Home Number)

00-R -1509

RCS# 2255
10/02/00
1:44 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-17

RECONSIDER

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

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty	B Dorsey	Y Moore	Y Thomas	ITEM (S) REMOVED FROM <u>CONSENT AGENDA</u> 00-O-1390 00-O-1567 00-R-1480 00-R-1571 00-R-1574
Y Starnes	Y Woolard	B Martin	Y Emmons	
Y Bond	Y Morris	Y Maddox	Y Alexander	
Y Winslow	Y Muller	Y Boazman	NV Pitts	

CONSENT

RCS# 2286
10/02/00
4:58 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-17

RECONSIDERATION

YEAS: 13
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ITEM (S) REMOVED FROM
CONSENT AGENDA

00-O-1390
00-O-1567
00-R-1480
00-R-1571
00-R-1574

		10/02/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1393	37. 00-R-1470	50. 00-R-1504
2. 00-O-0758	38. 00-R-1471	51. 00-R-1505
3. 00-O-1341	39. 00-R-1472	52. 00-R-1506
4. 00-O-1453	40. 00-R-1476	53. 00-R-1507
5. 00-O-1326	41. 00-R-1477	54. 00-R-1508
6. 00-O-1327	42. 00-R-1481	55. 00-R-1509
7. 00-O-1328	43. 00-R-1497	56. 00-R-1510
8. 00-O-1329	44. 00-R-1498	57. 00-R-1511
9. 00-O-1301	45. 00-R-1499	58. 00-R-1512
10. 00-O-0263	46. 00-R-1500	59. 00-R-1513
11. 00-O-0979	47. 00-R-1501	60. 00-R-1514
12. 00-O-1311	48. 00-R-1502	61. 00-R-1515
13. 00-O-1418	49. 00-R-1503	62. 00-R-1516
14. 00-O-1566		63. 00-R-1517
15. 00-O-1417		64. 00-R-1518
16. 00-O-1114		65. 00-R-1519
17. 00-O-1561		66. 00-R-1520
18. 00-R-1486		67. 00-R-1521
19. 00-R-1490		68. 00-R-1522
20. 00-R-1524		69. 00-R-1523
21. 00-R-1525		
22. 00-R-1572		
23. 00-R-1483		
24. 00-R-1484		
25. 00-R-1552		
26. 00-R-1310		
27. 00-R-1466		
28. 00-R-1467		
29. 00-R-1469		
30. 00-R-1563		
31. 00-R-1549		
32. 00-R-0977		
33. 00-R-1297		
34. 00-R-1495		
35. 00-R-1461		
36. 00-R-1464		