

00- R -2026

Entered - 11/17/00 - sb
CL00L0701- DIANNE C. MITCHELL

CLAIM OF: MICHAEL WILSON
7465 Davidson Parkway, South
Room 220
Stockbridge, Georgia 30281

For damages alleged to have been sustained as a result of vehicular damage due to a road defect on November 15, 2000 at McDonough Boulevard and Moreland Avenue.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSED REPORT
cc: Public Safety
12/12/00
C. T. Martin
Dora Shultz
Cleta Henslow
[Signature]

CERTIFIED
JAN 2 2001

CERTIFIED
JAN 03 2001
Renee Daughlin Johnson
MUNICIPAL CLERK



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

February 3, 2000

Michael Wilson
7465 Davidson Parkway, South
Room 220
Stockbridge, GA 30281

00-R-2026

Dear Mr. Wilson:

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 January 2, 2001. 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. 00L0701

Date: November 27, 2000

Claimant /Victim MICHAEL WILSON

BY: (Atty)(Ins. Co.)

Address: 7465 Davidson Parkway, South, Room 220, Stockbridge, Georgia 30281

Subrogation: Claim for Property damage \$ Bodily Injury \$

Date of Notice: 11/16/00 Method: Written, proper X Improper

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

Date of Occurrence 11/15/00 Place: McDonough Boulevard and Moreland Avenue

Department Division:

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges his vehicle was damaged due to a defect in the roadway. The investigation determined that the roadway is part of the Georgia State Highway System and is the responsibility of the State Department of Transportation. The claim has been forwarded to the State for handling and the claimant has been advised of this action.

INVESTIGATION:

Statements: City employee Claimant Others X Written Oral X

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 X Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

[Handwritten signature of Dianne C. Mitchell]

INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

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

Claims Manager: [Signature] Concur/date 11-30-00

Committee Action: Council Action

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: 11/16/00

Dear Municipal Clerk:

ENTERED - 11-17-00 - SB
00L0701 - 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.

- Date of incident: 11/15/00 (month/day/year) 2. Time of Incident: 6:15 am 3. Police called: _____ No
- Location of incident (including street address): 100 feet from intersection of GA 42 (McDonough St.) + Maryland St. (Decatur) ON McDONOUGH BLVD more and more
- Name of your insurance company: State Farm Ins. Co. Policy No. _____
- State what and how incident occurred: I was driving down GA 42, and approximately 100 ft. from intersection of GA 42 + Maryland St., I hit an unsecured man hole. There was a steel plate near the hole, but it was not covering the hole-- it ~~had not been~~ ^{was not} securing hole.
- 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: Delta 88 (Oldsmobile) 1966 CCB529 Michael Wilson
(Make) (Year) (Tag Number) (Driver's Name)
City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)
- Witness: _____
(Name) (Address) (Telephone Number)
- 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).
- This claim should be mailed immediately to the address shown above.

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

Michael Wilson
Signature of Claimant

1311 S. 3rd St
Tucuman' NM 88401
00-R -2026

Michael Wilson
(Print Claimant's Name)
7465 Davidson Parkway S. Room 220
(Address)
Stockbridge, GA 30281
(City) State and Zip Code
678-984-4435 678-984-4435
(Work Number) (Home Number)
cell

RCS# 2499
1/02/01
2:34 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-13

ADOPT

YEAS: 13/14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

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

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-R-1944
00-R-2059

CONSENT

01/02/00 Council Meeting		
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1107 2. 00-O-2068 3. 00-O-1866 4. 00-O-1888 5. 00-O-1876 6. 00-O-1884 7. 00-O-1889 8. 00-O-2053 9. 00-O-2063 10. 00-O-2076 11. 00-O-1564 12. 00-O-2014 13. 00-O-2061 14. 00-R-1226 15. 00-R-1954 16. 00-R-2036 17. 00-R-2037 18. 00-R-2038 19. 00-R-2058 20. 00-R-2060 21. 00-R-2091 22. 00-R-2045 23. 00-R-1459 24. 00-R-2048 25. 00-R-2049 26. 00-R-2050 27. 00-R-2077 28. 00-R-2102 29. 00-R-2046 30. 00-R-2047 31. 00-R-2093 32. 00-R-2094 33. 00-R-2095 34. 00-R-2096 35. 00-R-2097 36. 00-R-2018 37. 00-R-2019 38. 00-R-2020 39. 00-R-2021 40. 00-R-2022	41. 00-R-2023 42. 00-R-2024 43. 00-R-2025	44. 00-R-2026 45. 00-R-2027 46. 00-R-2028 47. 00-R-2029 48. 00-R-2030 49. 00-R-2031 50. 00-R-2032 51. 00-R-2033 52. 00-R-2034 53. 00-R-2035