

Entered - 2-9-01 - sb
CL 01L0118 - ALEXIS HOLMES

01-R-0384

CLAIM OF: **KAREN L. PASTERN**
1400 Cartecay Drive
Atlanta, Georgia 30319-3404

For vehicular damages alleged to have been sustained as a result of driving over an unsecured metal plate on January 23, 2001 Windsor Parkway and Peachtree Dunwoody Road.

APPROVED BY
CITY COUNCIL MAR 1 9 2001

THIS ADVERSE REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSE REPORT
COM. Public Safety
DATE 3/13/01
CHIEF City Manager
Michael R...
Celia Wilson
Wood
Ann

CERTIFIED
MAR 19 2001
ATLANTA CITY COUNCIL PRESIDENT
Ronald A. Pate

CERTIFIED
MAR 19 2001
Ronald A. Pate
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

April 2, 2001

Karen L. Pastern
1400 Cartecay Drive
Atlanta, Ga 30319-3404

01-R-0384

Dear Ms. Pastern:

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 March 19, 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. 01L0118

Date: 2/26/01

Claimant /Victim KAREN L. PASTERN

BY: (Atty)

Address: 1400 Cartecay Drive Atlanta, Georgia 30319-3404

Subrogation: Claim for Property damage \$ 196.09 Bodily Injury \$

Date of Notice: 1/30/01 Method: Written, proper X Improper

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

Date of Occurrence 1/23/01 Place: Windsor Parkway and Peachtree Dunwoody Road

Department United Water Division: Sewer Operations

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that she sustained vehicular damages when she drove her vehicle over an unsecured metal plate that was used to cover a construction site. However, an investigation determined that the construction site in question is 1) not within the City's limits and 2) it was created by United Water Services Atlanta, and therefore it is their responsibility, and not the responsibility of the City of Atlanta. Further, the claimant has been advised to pursue her claim with United Water Services Atlanta.

INVESTIGATION:

Statements: City employee X Claimant Other X Written X 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 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,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

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

Claims Manager: Concur/date 02-28-01 Committee Action:

Council Action

Holmes
02/08/01
[Signature]

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: 1/25/01

JAN 30 2001

Dear Municipal Clerk:

ENTERED - 2-9-01 - SB
01L0118 - ALEXIS HOLMES

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 196.09 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 1/23/01 2. Time of Incident: 8:45 A.M. 3. Police called: _____ Yes No
(month/day/year)

4. Location of incident (including street address): Intersection of Windsor Parkway & Dunwoody ^{Peachtree}

5. Name of your insurance company: Amica Policy No. 911010-2573

6. State what and how incident occurred: I was northbound on Peachtree Dunwoody and waiting for the light to change so that I could turn left on to Windsor Parkway. I noticed that there was a metal plate in the street (see attached page.)

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: VW Passat 1995 573LRD Karen L. Pastern
(Make) (Year) (Tag Number) (Driver's Name)

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

9. Witness: _____
(Name) (Address) (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.

Karen L. Pastern
Signature of Claimant

Karen L. Pastern
(Print Claimant's Name)

1400 Cartecay Dr.
(Address)

Atlanta GA 30319-3404
(City, State and Zip Code)

71662-1650 41237-3581
(Work Number) (Home Number)

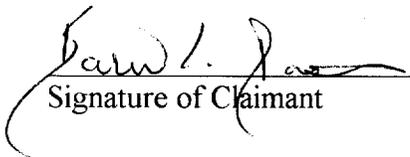
41256-3400

Item 6 Continued:

and that it was not totally covering the hole. When I executed the turn, my right front tire made contact with the metal plate. Within ten to twenty feet past the intersection I realized that my tire had gone flat. I got the car to Butler Tire to have the flat repaired. However Mr. Mike Hong, an employee at Butler Tire (4/303-1114), told me that the tire could not be repaired because it had been ripped on the side of the tire. As a result of this, I had to get two new tires because, when replacing tires, one must always get a pair in order to maximize the utility of the tires.

When I finally got to my office I called the Fulton County Office of Public Works, because I thought that this particular intersection was in Fulton County. I spoke with a person named Cheryl, and explained the problem. She called me back at 11:20 A.M. and told me that a truck had been dispatched to properly place the plate so that it would cover the hole. However she also told me that this intersection is in the city of Atlanta and not in unincorporated Fulton. I then called City of Atlanta and spoke with Dawn in the Claims Dept. She then faxed me this claims form and told me that I needed to include a copy of my tag and a copy of the repair bill, all of which are enclosed.

Should you have additional questions, please don't hesitate to call. I look forward to a timely resolution of this problem.


Signature of Claimant

Karen L. Pastern
1400 Cartecay Dr.
Atlanta GA 30319-3404
7/662-1650 or 4/256-3400 Work Number
4/237-3581 Home Number

Encl.

01-R -0384

RCS# 2725
3/19/01
2:52 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 15

ADOPT

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

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

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0067

Woolard & Morris voted Nay on the
following items:

01-R-0379
01-R-0392
01-R-0393
01-R-0394
01-R-0395
01-R-0396

CONSENT

RCS# 2726
3/19/01
2:54 PM

Atlanta City Council

Regular Session

CONSENT *Reconsidered*
1

Pages 1 thru 15

ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

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

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0067
01-O-0354

Woolard & Morris voted Nay on the
following items:

01-R-0379
01-R-0392
01-R-0393
01-R-0394
01-R-0395
01-R-0396

CONSENT

RCS# 2753
3/19/01
5:40 PM

Atlanta City Council

Regular Session

CONSENT *Reconsidered*
#2

Pages 1 thru 15

ADOPT

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

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

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

ITEM (S) REMOVED FROM
CONSENT AGENDA

01-O-0067

01-O-0354

01-O-0188

Woolard & Morris voted Nay on the
following items:

01-R-0379

01-R-0392

01-R-0393

01-R-0394

01-R-0395

01-R-0396

CONSENT

**ITEMS ADOPTED ON
CONSENT AGENDA**

**ITEMS
ADOPTED ON
CONSENT
AGENDA**

**ITEMS
ADVERSESED
ON CONSENT
AGENDA**

- | | | |
|---------------|---------------|---------------|
| 1. 01-O-0306 | 39. 01-R-0397 | 57. 01-R-0437 |
| 2. 01-O-0445 | 40. 01-R-0398 | 58. 01-R-0438 |
| 3. 01-O-0449 | 41. 01-R-0399 | 59. 01-R-0375 |
| 4. 01-O-0450 | 42. 01-R-0400 | 60. 01-R-0376 |
| 5. 01-O-0098 | 43. 01-R-0401 | 61. 01-R-0377 |
| 6. 01-O-0178 | 44. 01-R-0402 | 62. 01-R-0378 |
| 7. 01-O-0302 | 45. 01-R-0403 | 63. 01-R-0379 |
| 8. 01-O-0367 | 46. 01-R-0404 | 64. 01-R-0380 |
| 9. 00-O-1987 | 47. 01-R-0405 | 65. 01-R-0381 |
| 10. 01-O-0448 | 48. 01-R-0406 | 66. 01-R-0382 |
| 11. 00-O-2069 | 49. 01-R-0407 | 67. 01-R-0383 |
| 12. 01-O-0446 | 50. 01-R-0408 | 68. 01-R-0384 |
| 13. 01-O-0187 | 51. 01-R-0409 | 69. 01-R-0385 |
| 14. 01-O-0294 | 52. 01-R-0410 | 70. 01-R-0386 |
| 15. 01-R-0411 | 53. 01-R-0433 | 71. 01-R-0387 |
| 16. 01-R-0412 | 54. 01-R-0434 | 72. 01-R-0388 |
| 17. 01-R-0413 | 55. 01-R-0435 | 73. 01-R-0389 |
| 18. 01-R-0414 | 56. 01-R-0436 | 74. 01-R-0390 |
| 19. 01-R-0420 | | 75. 01-R-0391 |
| 20. 01-R-0421 | | 76. 01-R-0392 |
| 21. 01-R-0475 | | 77. 01-R-0393 |
| 22. 01-R-0428 | | 78. 01-R-0394 |
| 23. 01-R-0429 | | 79. 01-R-0395 |
| 24. 01-R-0477 | | 80. 01-R-0396 |
| 25. 01-R-0220 | | 81. 01-R-0440 |
| 26. 01-R-0430 | | 82. 01-R-0439 |
| 27. 01-R-0447 | | |
| 28. 01-R-0452 | | |
| 29. 01-R-0458 | | |
| 30. 01-R-0417 | | |
| 31. 01-R-0426 | | |
| 32. 01-R-0427 | | |
| 33. 00-R-1466 | | |
| 34. 01-R-0416 | | |
| 35. 01-R-0419 | | |
| 36. 01-R-0424 | | |
| 37. 01-R-0108 | | |
| 38. 01-R-0189 | | |
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