

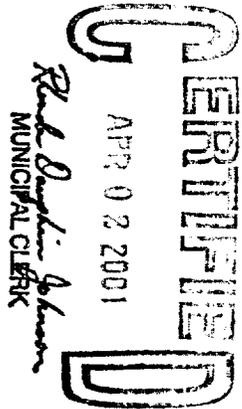
Entered - 03/02/01 - sb
CL01L0141 - DIANNE C. MITCHELL

CLAIM OF: MICHELE R. RUSSELL
130 Greenwood Circle
Decatur, Georgia 30030

01-*R*-0514

For damages alleged to have been sustained as a result of vehicular damage due to a pothole on February 3, 2001 at Peachtree Road and Wieuca Road.

THIS ADVERSED REPORT IS APPROVED



BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSED BY
CITY COUNCIL APR 02 2001

ADVERSE REPORT

CO. P. S. L. A.

DATE 3/27/01

Clara Henderson
Sherry Dosey
Whisper Jones
[Signature]



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 18, 2001

Michele R. Russell
130 Greenwood Circle
Decatur, GA 30030

01-R-0514

Dear Ms. Russell:

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 April 02, 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. 01L0141

Date: March 15, 2001

Claimant /Victim MICHELE R. RUSSELL

BY: (Atty)(Ins. Co.)

Address: 130 Greenwood Circle, Decatur, Georgia 30030

Subrogation: Claim for Property damage \$ 146.84 Bodily Injury \$

Date of Notice: 02/20/01 Method: Written, proper X Improper

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

Date of Occurrence 02/03/01 Place: Peachtree Road and Wieuca Road

Department Division:

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that her vehicle was damaged when she drove into a pothole. This location is part of the Georgia State Highway System and is responsibility of the State of Georgia. However, the investigation did determine that the "pothole" was made by a private company, NSG, who was locating underground utilities. The claim has been forwarded to this company for handling and the claimant has been advised of same.

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,

[Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

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

Claims Manager: [Signature] Concur/date 03-15-01

Committee Action: Council Action

Mitchell
03/01/01

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

RE: CLAIM FOR DAMAGES *D*

Today's Date: 2/13/01

FEB 20 2001

ENTERED - 3-2-01 - SB
01L0141 - DIANNE MITCHELL

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 146.84 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 2/3/01 (month/day/year) 2. Time of Incident: 2:15 p.m. 3. Police called: _____ Yes No X

4. Location of incident (including street address): SOUTHEAST CORNER OF PEACHTREE & WIEUCA

5. Name of your insurance company: USAA Policy No. 12796302

6. State what and how incident occurred: I WAS DRIVING NORTH ON PEACHTREE & WAS IN THE RIGHT TURN LANE TO TURN EAST ON WIEUCA (IN FRONT OF TARGET/GALYAN'S SHOPPING CENTER). MY LEFT FRONT TIRE HIT A VERY DEEP POT HOLE &

THERE WAS AN IMMEDIATE BLOW OUT OF THE TIRE. THE POT HOLE IS NOT VERY VISIBLE. WHEN I WALKED BACK TO SEE WHAT I HIT, I SAW A VERY

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: VOLVO C70 1998 324 X4V MICHELE R. RUSSELL
(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

Michele R. Russell
Signature of Claimant

MICHELE R. RUSSELL
(Print Claimant's Name)

130 GREENWOOD CIRCLE
(Address)

DECATUR, GA 30030
(City, State and Zip Code)

(404)872-8065 (404)687-3333
(Work Number) (Home Number)

01-R-0514

RCS# 2775
4/02/01
2:17 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 13

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

ADOPT

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

Unanimous

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	B 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-0345
01-O-0526
01-R-0541

CONSENT

04/02/01 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 01-O-0225
2. 01-O-0534
3. 01-O-0528
4. 01-O-0539
5. 01-O-0530
6. 01-O-0531
7. 01-R-0527
8. 99-R-2071
9. 01-R-0368
10. 01-R-0481
11. 01-R-0536
12. 01-R-0537
13. 01-R-0550
14. 01-R-0484
15. 01-R-0485
16. 01-R-0486
17. 01-R-0487
18. 01-R-0293
19. 01-R-0425
20. 01-R-0457
21. 01-R-0418
22. 01-R-0483
23. 01-R-0549
24. 01-R-0500
25. 01-R-0501
26. 01-R-0502
27. 01-R-0503
28. 01-R-0504
29. 01-R-0505
30. 01-R-0506
31. 01-R-0507
32. 01-R-0508

**ITEMS ADVERSED
ON CONSENT AGENDA**

33. 01-R-0509
 34. 01-R-0510
 35. 01-R-0511
 36. 01-R-0512
 37. 01-R-0513
 38. 01-R-0514
 39. 01-R-0515
 40. 01-R-0516
 41. 01-R-0517
 42. 01-R-0518
 43. 01-R-0519
 44. 01-R-0520
 45. 01-R-0521
 46. 00-R-1361
-