

Entered - 02/27/01 - sb
CL01L0133 - DIANNE C. MITCHELL

CLAIM OF: **JODIE BOUCK**
4586 Roswell Road
Apt. Y-3
Atlanta, Georgia 30342

01- R-0561

For damages alleged to have been sustained as a result of vehicular damage due to road construction on February 13, 2001 at Crescent Avenue, NE near 14th Street.

THIS ADVERSED REPORT IS APPROVED

CONSENT AGENDA

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSE REPORT

COM. Public Safety

DATE 4/12/01

CHM. C. T. M...

[Signature]

[Signature]

[Signature]

CERTIFIED
MAY 07 2001
COUNCIL PRESIDENT PROTEM

CERTIFIED
MAY 07 2001
Rhonda Daughin Johnson
MUNICIPAL CLERK

ADVERSED BY
CITY COUNCIL
MAY 07 2001



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

May 15, 2001

Jodie Bouck
4586 Roswell Rd.
Apartment Y-3
Atlanta, GA 30342

01-R-0561

Dear Ms. Bouck:

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 May 7, 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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0133

Date: March 22, 2001

Claimant /Victim JODIE BOUCK
BY: (Atty)(Ins. Co.)
Address: 4586 Roswell Road, Apt. Y-3, Atlanta, Georgia 30342
Subrogation: Claim for Property damage \$ 4,278.23 Bodily Injury \$
Date of Notice: 02/26/01 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 02/12/01 Place: Crescent Avenue near 14th Street
Department Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges she damaged her vehicle when she drove through an area of the roadway that had been left in an unsafe condition. The investigation determined that the roadway construction was performed by Hardin Construction Company who installed new sewer lines and manholes in the roadway to service a new building. The claim has been forwarded to the contractor for resolution and the claimant has been advised of same.

INVESTIGATION:

Statements: City employee X 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 X 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 03-29-01
Committee Action: Council Action

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

MITCHELL
02/21/01
RE: CLAIM FOR DAMAGES *Ph*

Today's Date: 2-19-01

ENTERED - 2-27-01 - SB
0110133 - DIANNE MITCHELL

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 4,278.23 property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: 2/12/01 (month/day/year) 2. Time of Incident: 11:30 pm^(?) 3. Police called: Yes No

4. Location of incident (including street address): 14th & Crescent Ave

5. Name of your insurance company: Safe way Policy No. _____

6. State what and how incident occurred: Turned on to Crescent from 14th about 15-20 yrd down the street (down hill) going 15mp I hit a city manhole that was sticking up out of the ground. I hit my head twice and when I realized what had happen my car was staying still & idling

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: Honda Civic 91 (Make) (Year) Jodie Bouck (Tag Number) (Driver's Name)

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

9. Witness: Roger Gelis (Name) 4550 D-4 Roswell Rd (Address) Atlanta GA 30342 (Telephone Number) 404 ~~531~~ 255-0372

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.

Jodie Bouck
Signature of Claimant

Jodie Bouck
(Print Claimant's Name)
4586 Roswell Rd Apt Y-3
(Address)
Atlanta GA 30342
(City, State and Zip Code)
(404) 365 1247 (404) 531-0588
(Work Number) (Home Number)

01-R-0561

President Pro Tem Bond Presided

RCS# 2838
5/07/01
4:44 PM

Atlanta City Council

Regular Session

CONSENT

PAGES 1 THRU 13

ADOPT

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

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	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0610

CONSENT

05/07/01 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 00-O-0264
2. 01-O-0603
3. 01-O-0604
4. 01-O-0612
5. 01-O-0529
6. 01-O-0608
7. 01-O-0623
8. 01-O-0624
9. 01-O-0593
10. 01-O-0482
11. 01-O-0548
12. 00-O-2056
13. 01-R-0575
14. 01-R-0576
15. 01-R-0577
16. 01-R-0578
17. 01-R-0579
18. 01-R-0580
19. 01-R-0648
20. 01-R-0581
21. 01-R-0574
22. 01-R-0594
23. 01-R-0595
24. 01-R-0617
25. 01-R-0491
26. 01-R-0571
27. 01-R-0572
28. 01-R-0602
29. 01-R-0565
30. 01-R-0644
31. 01-R-0552
32. 01-R-0553
33. 01-R-0554
34. 01-R-0555
35. 01-R-0556

**ITEMS ADVERSED
ON CONSENT AGENDA**

36. 01-R-0557
 37. 01-R-0558
 38. 01-R-0559
 39. 01-R-0560
 40. 01-R-0561
 41. 01-R-0562
 42. 01-R-0563
 43. 01-R-0564
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