Entered - 03/02/01 - sb
CL01L0143 - DIANNE C. MITCHELL

CLAIM OF: **JOHN D. THOMSON, JR.**
412 S. Candler Street
Decatur, Georgia 30030

01-L-0562

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
CHAIR C. T. Muller

CERTIFIED
MAY 07 2001
COUNCIL PRESIDENT PROTEM

CERTIFIED
MAY 07 2001
Rhonda Dauphin 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

John D. Thomson, Jr.
412 S. Candler St.
Decatur, GA 30030

01-R-0562

Dear Mr. Thomson:

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. **01L0143** Date: March 22, 2001

Claimant /Victim **JOHN D. THOMSON, JR.**
BY: (Atty)(Ins. Co.)
Address: 412 S. Candler Street, Decatur, Georgia 30030
Subrogation: _____ Claim for Property damage $ **865.68** 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 02/13/01 Place: Crescent Avenue near 14th Street
Department _____ Division: _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges he damaged his vehicle when he 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,

INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay $ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager: _____ Concur/date 03-29-01
Committee Action: _____ Council Action _____

FORM 23-61

M Mitchell
03/01/01

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

FEB 2 6 2001

RE: CLAIM FOR DAMAGES

Today's Date: 2/18/2001

Dear Municipal Clerk:

ENTERED – 3-2-01 – SB
01L0143 – DIANNE MITCHELL

This is to notify the City of Atlanta that I have suffered damages in the amount sum of $ 865.68 property and/or $ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 2/13/2001 (month/day/ year) 2. Time of Incident: 1:00 PM 3. Police called: ____ Yes X No

4. Location of incident (including street address): CRESCENT AVE. NEAR 14TH STREET

5. Name of your insurance company: GEICO Policy No. 297-05-84

6. State what and how incident occurred: TRAFFIC DETOURED FROM 14TH EAST RIGHT LANE ON TO CRESCENT. TRAFFIC WAS CONSTRAINED TO A SINGLE LANE DUE TO CONSTRUCTION. MY LEFT FRONT WHEEL HIT A POTHOLE ADJACENT TO A MANHOLE. THE TRANSMISSION HIT THE MANHOLE COVER, DAMAGING SEVERAL PARTS.

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: SAAB 900 (Make) 1987 (Year) 499-LMT (Tag Number) JOHN THOMSON (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.

John D. Thomson Jr.
Signature of Claimant

JOHN D. THOMSON, JR.
(Print Claimant's Name)

412 S. CANDLER ST.
(Address)

DECATUR GA 30030
(City , State and Zip Code)

404-853-4891 (Work Number) 404-377-7454 (Home Number)

01- R-0562

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

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