

Entered - 04/23/01 - sb
CL01L0247 - DIANNE C. MITCHELL

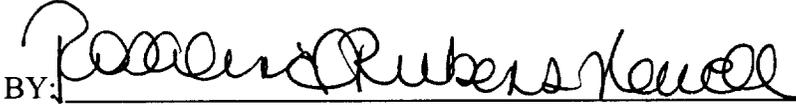
01-*L*-0691

CLAIM OF: CYNTHIA M. NERI
1284 B Natchez Trace
Marietta, Georgia 30008

CONSENT AGENDA

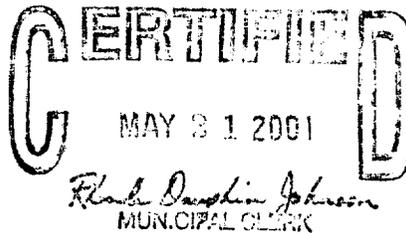
For damages alleged to have been sustained as a result of vehicular damage due to road construction on February 11, 2001 at Crescent Avenue, NE near 14th Street.

THIS ADVERSED REPORT IS APPROVED

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY



ADVERSED BY
CITY COUNCIL MAY 21 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 24, 2001

Cynthia M. Neri
1284 B. Natchez Trace
Marietta, GA 30008

01-R-0691

Dear Ms. Neri:

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 May 21, 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. 01L0247

Date: May 1, 2001

Claimant /Victim CYNTHIA M. NERI

BY: (Atty)(Ins. Co.)

Address: 1284 B Natchez Trace

Subrogation: Claim for Property damage \$ 1,839.22 Bodily Injury \$

Date of Notice: 04/03/01 Method: Written, proper X Improper

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

Date of Occurrence 02/11/01 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 05-02-01

Committee Action: Council Action

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

APR 3 2001

Mitchell
04/19/01
RE: CLAIM FOR DAMAGES

Today's Date: 3/27/01

Dear Municipal Clerk:

ENTERED - 4-23-01 - SB
0110247 - DIANNE MITCHELL

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1,839.23 property and/or \$ none bodily injury for which I contend the City is liable.

1. Date of incident: 2/11/01 (month/day/year) 2. Time of Incident: 8pm (approx.) 3. Police called: Yes Yes No

4. Location of incident (including street address): Crescent Ave between 14th + 12th st

5. Name of your insurance company: State Farm Policy No. P37 7246-ABC-11E

6. State what and how incident occurred: See next 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: Dodge Spirit 1993 (Make) (Year) (Tag Number) Cynthia Neri (Driver's Name)

City vehicle: none (Make) (City Driver's Name) (Department/Bureau)

9. Witness: Chris Dragity (Name) 161 Tempest Drive (Address) Watham, NY 12110 (City, State and Zip Code) (518) 339-3379 (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.

Cynthia M Neri
Signature of Claimant

Cynthia M Neri
(Print Claimant's Name)

1284 B Natchez Trace
(Address)

Marietta, GA 30008
(City, State and Zip Code)

(678) 78-4671 (Work Number) (678) 290-7889 (Home Number)

March 27, 2001

Dear Municipal Clerk:

On the evening of February 11, 2001 my car sustained damage on a city street in Midtown as I turned off of 14th street and onto Crescent Ave. There was construction work being done on that street at the time. Shortly after I turned onto Crescent Ave. I saw a man hole in my lane. It was not marked in any way so I assumed it was safe to drive over. As I straddled it with my car I heard a loud noise and felt the car hit the top of the man hole. I pulled over immediately and looked under the car. There was fluid pouring out from under the engine so I called a tow truck to have it towed back to Marietta.

The mechanics at Marietta Dodge looked at the car the next day and determined that the transmission pan had been damaged. They recommended that I have the transmission taken apart and checked out because it may have been damaged inside due to the fluid running out. I chose to have only the pan repaired because they told me that having the transmission torn apart would have cost at least \$2,000 and they weren't sure if it was damaged. After they completed the repairs to the cover we took it for a ride and it wouldn't shift. I called a few transmission repair shops and found one with reasonable rates and took it there to have it further evaluated. Hi-Tech Transmission ran diagnostic tests on the vehicle and determined that the transmission was damaged from the fluid running dry and that the transmission needed to be rebuilt. So they did the work on the car. I am enclosing receipts for all the repairs and expenses as well as a police report of the incident.

The total costs/damages include:

Emory's Wrecker Service	\$75.00	tow from midtown to Marietta
Marietta Dodge	\$154.95	transmission pan check and repair
High Tech Trans. Service	<u>\$1609.27</u>	<u>transmission overhaul</u>

Total \$1839.22

I would like the city to pay for the damage incurred to my vehicle while driving on unsafe/unmarked city streets.

Sincerely,

Cynthia M. Neri

Cynthia M. Neri

01- -0691

President Pro Tem Bond Presided

RCS# 2865
5/21/01
1:48 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 16

ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 2

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

NV McCarty	Y Dorsey	Y Moore	Y Thomas
B 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-0721
01-O-0752
01-O-0753
01-O-0494
01-O-0712
01-R-0763
01-R-0765

CONSENT

**ITEMS ADOPTED
ON CONSENT
AGENDA**

**ITEMS ADOPTED
ON CONSENT
AGENDA**

**ITEMS ADVERSESED
ON CONSENT
AGENDA**

1. 01-O-0582
2. 01-O-0583
3. 01-O-0584
4. 01-O-0585
5. 01-O-0586
6. 01-O-0587
7. 01-O-0742
8. 01-O-0748
9. 01-O-0715
10. 01-O-0723
11. 01-O-0751
12. 01-O-0754
13. 01-O-0755
14. 01-O-0756
15. 01-O-0106
16. 01-O-0495
17. 01-O-0496
18. 01-O-0497
19. 01-O-0498
20. 01-O-0567
21. 01-O-0568
22. 01-O-0569
23. 01-O-0616
24. 01-O-0638
25. 01-O-0643
26. 01-O-0665
27. 01-O-0716
28. 01-O-0759
29. 01-R-0667
30. 01-R-0669
31. 01-R-0670
32. 01-R-0656
33. 01-R-0675
34. 01-R-0676
35. 01-R-0725
36. 01-R-0744
37. 01-R-0750
38. 01-R-0758
39. 01-R-0456
40. 01-R-0654

41. 01-R-0757
42. 01-R-0698
43. 01-R-0699
44. 01-R-0700
45. 01-R-0764
46. 01-R-0649
47. 01-R-0658
48. 01-R-0659
49. 01-R-0661
50. 01-R-0662
51. 01-R-0673
52. 01-R-0677
53. 01-R-0678
54. 01-R-0679
55. 01-R-0680
56. 01-R-0681
57. 01-R-0682
58. 01-R-0683
59. 01-R-0760
60. 01-R-0684

61. 01-R-0685
 62. 01-R-0686
 63. 01-R-0687
 64. 01-R-0688
 65. 01-R-0689
 66. 01-R-0690
 67. 01-R-0691
 68. 01-R-0692
 69. 01-R-0693
 70. 01-R-0694
 71. 01-R-0695
 72. 01-R-0697
 73. 01-R-0761
 74. 01-R-0762
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