

Entered - 3-05-01 - sb  
CL 01L0161 - ALEXIS HOLMES

CLAIM OF: **FREDA H. TURNER**  
1152 Fayetteville Road  
Atlanta, Georgia 30316

**01-R-0695**

**CONSENT AGENDA**

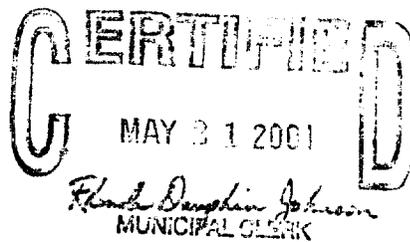
For damages alleged to have been sustained as after hitting a pothole on December 19, 2000 at Alston Drive between Candler Road and Morgan Place.

THIS ADVERSE REPORT IS APPROVED

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY *Robert C. OCA*



ADVERSE REPORT MAY 2 1 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

Freda H. Turner  
1152 Fayetteville Road  
Atlanta, GA 30316

01-R-0695

Dear Ms. Turner:

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. 01L0161

Date: 5/03/01

Claimant /Victim FREDA H. TURNER

BY: (Atty)

Address: 1152 Fayetteville Road Atlanta, Georgia 30316

Subrogation: Claim for Property damage \$ 1,130.00 Bodily Injury \$

Date of Notice: 2/28/01 Method: Written, proper X Improper

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

Date of Occurrence 12/19/00 Place: Alston Drive between Candler Road and Morgan Place

Department Public Works Division: Street Operations

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant sustained vehicular damage after she hit a pothole in the street. However, the area where the incident occurred is in the Decatur, DeKalb County area, and not within the City's limits. Therefore, the City of Atlanta is not responsible for the damages that the claimant is alleging.

INVESTIGATION:

Statements: City employee Claimant Other X Written Oral

Pictures Diagrams Reports: Police Dept Report Other X

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial X

Improper Notice More than Six Months Other Damages reasonable X

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

Committee Action: Council Action

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

FEB 28 2001

RE: CLAIM FOR DAMAGES

Today's Date: 02/26/01

Holmes  
03/01/01

Dear Municipal Clerk:

ENTERED - 3-5-01 - SB  
01L0161 - ALEXIS HOLMES

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1130.00 property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: 12-19-00 2. Time of Incident: 12 or 1 pm. 3. Police called: Yes No  
(month/day/year)

4. Location of incident (including street address): Alston Drive (Between Candler Rd + Morgan Pl.)

5. Name of your insurance company: Progressive Policy No. 352 36455-2

6. State what and how incident occurred: Mr. Zuber and I (Ms. Turner) was traveling on Alston Dr. between Candler Rd and Morgan Place when we hit a pot hole in the street. Causing damage to the Rims and wheels on the drivers side

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: Pontiac 1999 40551 Reginald Zuber  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: N/A \_\_\_\_\_ \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: Reginald Zuber 1929 Trotti Street (678) 230-2288  
(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.

[Signature]  
Signature of Claimant

Freda H. Turner  
(Print Claimant's Name)

1152 Fayetteville Road  
(Address)

Atlanta, Ga. 30316  
(City, State and Zip Code)

4) 765-7499 404) 244-7137  
(Work Number) (Home Number)

01- K-0695

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 ADVERSED  
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
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  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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