

Entered - 03-02-01 - sb  
CL 01L0155 - GWENDOLYN BURNS

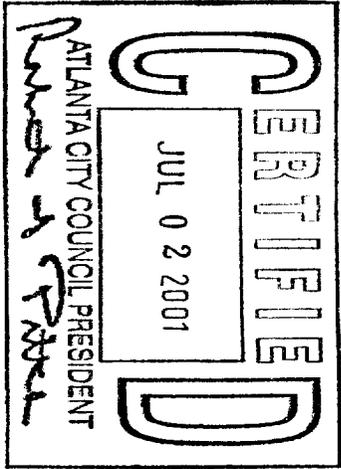
CLAIM OF:

01- R -0948

**DEBRA BLACKEN**  
787 Conisburgh Court  
Stone Mountain, Georgia 30087

For vehicular damages alleged to have been sustained from a construction cut in the roadway that was left open and in an unsafe condition on January 29, 2001 at Marietta Street, NW & Ashby Street, NW.

THIS ADVERSED REPORT IS APPROVED



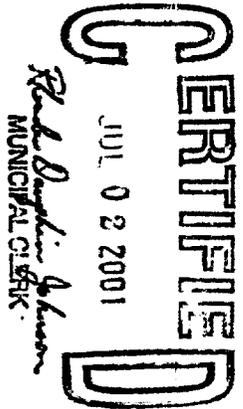
BY: *Rosalind Rubens Newell by*  
ROSALIND RUBENS NEWELL *Rosalind, City DCA*  
DEPUTY CITY ATTORNEY

ADVERSED BY CITY COUNCIL JUL 02 2001

**ADVERSE REPORT**

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: *6/29/01*  
CHAIR: *Henry S. Sorely*  
*C.T. M...*  
*Clara...*  
*...*





**CITY OF ATLANTA  
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**

July 2, 2001

Debra Blacken  
787 Conisburgh Court  
Stone Mountain, Georgia 30087

**01-R-0948**

Dear Ms. Blacken:

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 July 2, 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.**

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0155

Date: June 6, 2000

Claimant /Victim DEBRA BLACKEN
BY: (Atty) (Ins. Co.)
Address: 787 Conisburgh Court, Stone Mountain, Georgia 30087
Subrogation: Claim for Property damage \$ 2,108.04 Bodily Injury \$
Date of Notice: 2/19/01 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 01/29/01 Place: Marietta Street, NW & Ashby Street, NW
Department Division
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that her vehicle sustained damage when she drove over a construction cut in the roadway that was not properly covered and left in an unsafe condition. An investigation determined that United Water Services Atlanta performed work at the incident location. The claimant's claim has been forwarded and resolved by United Water Services Atlanta.

INVESTIGATION:

Statements: City employee Claimant Others 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
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,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 06-15-01
Committee Action: Council Action

BURNS  
02/01/01

**COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK**

City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

FEB 19 2001

Today's Date: 2-9-01

ENTERED - 3-2-01 - SB  
01L0155 - GWEN BURNS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 2,108.<sup>00</sup> property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: 01-29-01 (month/day/ year) 2. Time of Incident: 1:15 PM 3. Police called: Yes  No

4. Location of incident (including street address): CORNERS OF MARIETTA STREET & ASHBY STREET

5. Name of your insurance company: STATE FARM INSURANCE Policy No. \_\_\_\_\_

6. State what and how incident occurred: DRIVING DOWN MARIETTA STREET IN RIGHT LANE, HIT POT HOLE AND LOSS CONTROL AND RAN UP ON SIDEWALK DAMAGING RIGHT FRONT QUARTER PANEL (BOTTOM) AND STRUTS ON CAR. ALSO RIM WAS BENT & TIRE DAMAGED.

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: BMW 318IS 1992 BLACK5 GILBERT BLACKEN  
(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.

Debra Blacken  
Signature of Claimant

Debra Blacken  
(Print Claimant's Name)  
787 Conisburgh Court  
(Address)  
Stone Mountain Ga 30087  
(City, State and Zip Code)  
404-999-2200 770-469-7965  
(Work Number) (Home Number)

01-R-0948

RCS# 2964  
7/02/01  
2:13 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 through 11

ADOPT

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

**SEE ATTACHED LISTING OF ITEMS  
ADOPTED/ADVERSED ON  
CONSENT AGENDA**

Y McCarty	NV Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	B 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-0819**

CONSENT

**ITEMS ADOPTED ON  
CONSENT AGENDA**

1. 01-O-0869
2. 01-O-0965
3. 01-O-0969
4. 01-O-0977
5. 01-O-0857
6. 01-O-0911
7. 01-O-0968
8. 01-O-0920
9. 00-R-1625
10. 01-R-0929
11. 01-R-0931
12. 01-R-0932
13. 01-R-0989
14. 01-R-0993
15. 01-R-0957
16. 01-R-0926
17. 01-R-0982
18. 01-R-0923
19. 01-R-0956
20. 01-R-0963
21. 01-R-0975
22. 01-R-1001
23. 01-R-0933
24. 01-R-0934
25. 01-R-0935

**ITEMS ADVERSED  
ON CONSENT AGENDA**

26. 01-R-0936
  27. 01-R-0937
  28. 01-R-0938
  29. 01-R-0939
  30. 01-R-0940
  31. 01-R-0941
  32. 01-R-0942
  33. 01-R-0943
  34. 01-R-0944
  35. 01-R-0945
  36. 01-R-0946
  37. 01-R-0947
  38. 01-R-0948
  39. 01-R-0949
  40. 01-R-0950
  41. 01-R-0951
  42. 01-R-0952
  43. 01-R-0953
  44. 01-R-0954
  45. 01-R-0955
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