

Entered - 6-24-98 - sb
CL - 98L0448 ALEXIS HOLMES

01- R -1036

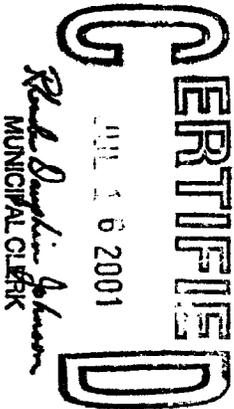
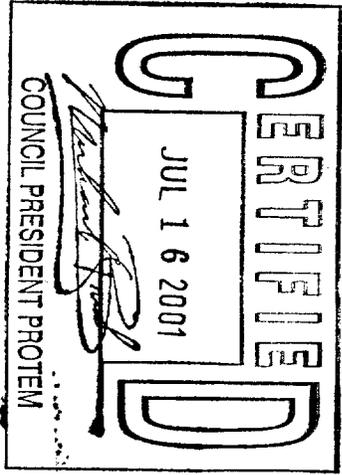
CLAIM OF: **LILLIE B. COWAN**
1998 Warlick Place, NE
Atlanta, Georgia 30317

For damages alleged to have been sustained as a result of a City truck hitting her brick mailbox and knocking it down on May 30, 1998, at 1998 Warlick Place, NE.

THIS ADVERSE REPORT IS APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CONSENT AGENDA



ADVERSE REPORT
CITY COUNCIL
JUL 16 2001

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE 7/10/01

CHAIR C. T. Martine

[Signature]
[Signature]



**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 26, 2001

Lillie B. Cowan
1998 Warlick Place, N E
Atlanta, Georgia 30317

01-R-1036

Dear Ms. Cowan:

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 16, 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. 98L0448

Date: 6/25/01

Claimant /Victim LILLIE B. COWAN

BY: (Atty)

Address: 1998 Warlick Place NE, Atlanta, Georgia 30317

Subrogation: Claim for Property damage \$ 200.00 Bodily Injury \$

Date of Notice: 1/5/98 Method: Written, proper X Improper

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

Date of Occurrence 5/30/98 Place: 1998 Warlick Pl., NE

Department Public Works Division: Sanitation Waste Services

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant's brick mailbox was damaged when it was struck by a City vehicle. The City offered to resolve this claim in the amount above but the claimant did not respond to numerous phone calls, letters or the settlement release forms. The City has exhausted all avenues of locating this claimant therefore, this claim is presumed abandoned.

INVESTIGATION:

Statements: City employee X Claimant Other 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 X Ministerial

Improper Notice More than Six Months Other X Damages reasonable

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned X

Respectfully submitted,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01

Claims Manager: Concur/date 06-26-01

Committee Action: Council Action

Oatis
06/23/98
[Signature]

RECEIVED
JUN 5 1998
MUNICIPAL CLERK

COUNCIL OF THE CITY OF ATLANTA
CLERK OF COUNCIL
City Hall
68 Mitchell Street, S.W.
Atlanta, GA 30335

RE: CLAIM FOR DAMAGES

TODAY'S DATE: 06/03/98

ENTERED - 6-24-98 - SB
98L0448 - ANTHONY OATIS

Dear Sir:

This is to notify the City of Atlanta that I have suffered damages in the sum of \$200.00 property and/or \$ _____ bodily injury for which I contend the City is liable.

- 1. Date of incident: 05/30/98 - 9:30 a.m. (month day year)
- 2. Police called _____ (yes) (No)
- 3. Location of incident: 1998 Warwick Pl. N.E. Atlanta, GA 30317
- 4. Name of your insurance company: Travelers Policy # _____
- 5. State what and how incident occurred: Brick Mail box was under construction when trash collectors struck hit mail box and knocked mail box and bricks down.

6. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE STATEMENTS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

7. The registered owner must make the claim for vehicle damages. Complete the following and attached two (2) estimates of repair.

Your vehicle: _____
(make) (year) (tag#) (driver's name)

City vehicle: _____
(make) (driver's name) (department)

8. Witness: _____
(name) (address) (phone)

9. The acknowledgment of this claim in no way waives the Governmental 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).

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT!

10. THIS CLAIM SHOULD BE MAILED IMMEDIATELY TO THE ADDRESS SHOWN ABOVE

Anthony Oatis (SEAL)
 (claimant)
1998 Warwick Pl. N.E.
 (address)
Atlanta GA 30317
 (city) (state) (zip)
(404) 371-1115
 (home) (phone) (work)

RCS# 2995
7/16/01
2:24 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 through 16

ADOPT

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

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

B McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	B Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0992 01-R-1108
01-O-0710 01-R-1041
01-O-0711 01-R-1042
01-O-1089 01-R-1043
01-O-0995 01-R-1065

CONSENT

**ITEMS ADOPTED
ON CONSENT
AGENDA**

1. 01-O-1091
2. 01-O-0722
3. 01-O-0855
4. 01-O-0890
5. 01-O-0891
6. 01-O-0980
7. 01-O-0924
8. 01-O-1086
9. 01-O-1090
10. 01-O-0731
11. 01-O-0917
12. 01-R-1013
13. 01-R-1014
14. 01-R-1015
15. 01-R-1016
16. 01-R-1007
17. 01-R-1009
18. 01-R-1012
19. 01-R-1005
20. 01-R-1006
21. 01-R-1011
22. 01-R-1109
23. 01-R-1017
24. 01-R-1077
25. 01-R-1080
26. 01-R-1019
27. 01-R-1020
28. 01-R-1021
29. 01-R-1022
30. 01-R-1023
31. 01-R-1024
32. 01-R-1025
33. 01-R-1026
34. 01-R-1027
35. 01-R-1028
36. 01-R-1107

**ITEMS ADVERSED
ON CONSENT
AGENDA**

37. 01-R-1029
38. 01-R-1030
39. 01-R-1031
40. 01-R-1032
41. 01-R-1033
42. 01-R-1034
43. 01-R-1035
44. 01-R-1036
45. 01-R-1037
46. 01-R-1038
47. 01-R-1039
48. 01-R-1040
49. 01-R-1044
50. 01-R-1045
51. 01-R-1046
52. 01-R-1047
53. 01-R-1048
54. 01-R-1049
55. 01-R-1050
56. 01-R-1051
57. 01-R-1052
58. 01-R-1053
59. 01-R-1054
60. 01-R-1055
61. 01-R-1056
62. 01-R-1057
63. 01-R-1058
64. 01-R-1059
65. 01-R-1060
66. 01-R-1061
67. 01-R-1062
68. 01-R-1063
69. 01-R-1064
70. 01-R-1066
71. 01-R-1067
72. 01-R-1068

**ITEMS ADVERSED
ON CONSENT
AGENDA**

73. 01-R-1069
 74. 01-R-1070
 75. 01-R-1071
 76. 01-R-1072
 77. 01-R-1073
 78. 01-R-1104
-