

Entered -06-12-00 - sb
CL 00L0372 - GWENDOLYN BURNS

CLAIM OF:

OLIVER PETERS, JR.
476 Ashby Street, NW
Atlanta, Georgia 30315

01-*l*-1205

For damages alleged to have been sustained when the City incorrectly restored a driveway during a sidewalk repair project in May 2000 at 476 Ashby Street, NW.

THIS ADVERSED REPORT IS APPROVED

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

CONSENT AGENDA

ADVERSED BY
CITY COUNCIL AUG 06 2001

ADVERSE REPORT

COMM: _____

DATE: _____

CHAIR: *C. T. Martin*

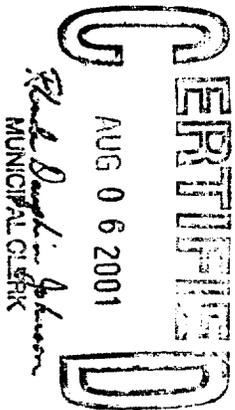
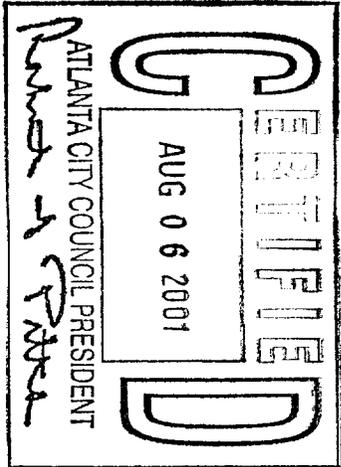
Michael B...

Donny...

Alvin...

Edward...

Cleta...





**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**

August 8, 2001

Oliver Peters, Jr.
476 Ashby Street, N W
Atlanta, Georgia 30315

01-R-1205

Dear Mr. Peters, Jr.

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 August 6, 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. 00L0372

Date: June 12, 2001

Claimant /Victim OLIVER PETERS, JR.
BY: (Atty) (Ins. Co.)
Address: 476 Ashby Street, NW, Atlanta, Georgia 30315
Subrogation: Claim for Property damage \$ unspecified Bodily Injury \$
Date of Notice: 5/24/00 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 5/00 Place: 476 Ashby Street, NW
Department PUBLIC WORKS Division Street
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant's residence sustained flooding problems when his driveway was incorrectly restored by the City during a sidewalk repair project. However, the issues of this claim are being corrected and resolved through the Street Division.

INVESTIGATION:

Statements: City employee X Claimant Others 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 X
Improper Notice More than Six Months Other Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces X
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,
Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse Account charged: 1A01 X 2J01 2H01
Claims Manager: Concur/date 07-18-01
Committee Action: Council Action

RCS# 3033
8/06/01
2:56 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-15

ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Unanimous

Y McCarty
Y Starnes
Y Bond
Y Winslow

Y Dorsey
Y Woolard
Y Morris
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

Y Thomas
Y Emmons
Y Alexander
NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-1106
01-R-1200
01-R-1217

CONSENT

**ITEMS
ADOPTED ON
CONSENT
AGENDA**

1. 01-O-1081
2. 01-O-1083
3. 01-O-1084
4. 01-O-1085
5. 01-O-1123
6. 01-O-1126
7. 01-O-1105
8. 01-O-1120
9. 01-R-1130
10. 01-R-1131
11. 01-R-1132
12. 01-R-1187
13. 01-R-1188
14. 01-R-1224
15. 01-R-1227
16. 01-R-1228
17. 01-R-0103
18. 01-R-1226
19. 01-R-0971
20. 01-R-1167
21. 01-R-1168
22. 01-R-1215
23. 01-R-1218
24. 01-R-1136
25. 01-R-1137
26. 01-R-1138
27. 01-R-1139
28. 01-R-1140

**ITEMS
ADOPTED ON
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30. 01-R-1142
31. 01-R-1143
32. 01-R-1144
33. 01-R-1145
34. 01-R-1146
35. 01-R-1147
36. 01-R-1148
37. 01-R-1189
38. 01-R-1190
39. 01-R-1191
40. 01-R-1192
41. 01-R-1193
42. 01-R-1194
43. 01-R-1195
44. 01-R-1196
45. 01-R-1197
46. 01-R-1198
47. 01-R-1199

**ITEMS
ADVERSED
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67. 01-R-1166
68. 01-R-1201
69. 01-R-1202
70. 01-R-1203
71. 01-R-1204
72. 01-R-1205
73. 01-R-1206
74. 01-R-1207
75. 01-R-1208

**ITEMS
ADVERSED
ON CONSENT
AGENDA**

76. 01-R-1209
 77. 01-R-1210
 78. 01-R-1211
 79. 01-R-1212
 80. 01-R-1213
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