

Entered -05-21-01 - sb
CL 01L0327 - GWENDOLYN BURNS

CLAIM OF: LUKE SALTER
5550 Bourbon Drive
Gainesville, Georgia 30506

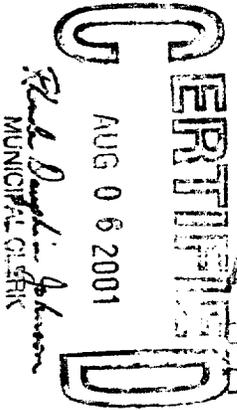
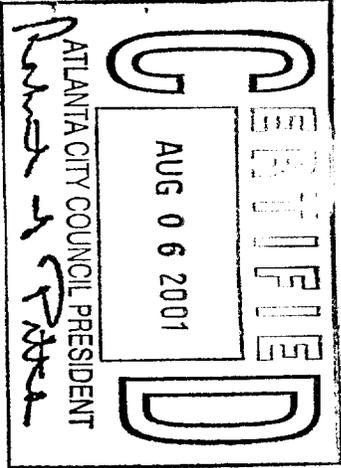
01-*R*-1210

For vehicular damages alleged to have been sustained from a construction cut that was left open and in an unsafe condition on March 12, 2001 at Peachtree Road, NE & Lindbergh Drive, NE.

THIS ADVERSED REPORT IS APPROVED

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

ADVERSED BY CITY COUNCIL AUG 06 2001 CONSENT AGEND



ADVERSE REPORT

DOWN *PS+LA*
DATE *7/31/01*
CHAIR *C. T. Mumby*
Michael D. [unclear]
Darryl Stank
Alvin [unclear]
[unclear]
Celia Henderson



**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

Luke Salter
5550 Bourbon Drive
Gainesville, Georgia 30506

01-R-1210

Dear Mr. Salter:

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. 01L0327

Date: July 12, 2001

Claimant /Victim LUKE SALTER

BY: (Atty) (Ins. Co.)

Address: 5550 Bourbon Drive, Gainesville, Georgia 30506

Subrogation: Claim for Property damage \$ 726.28 Bodily Injury \$

Date of Notice: 3/14/01 Method: Written, Proper X Improper

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

Date of Occurrence 3/12/01 Place: Peachtree Road, NE & Lindbergh Drive, NE

Department Division

Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that his vehicle sustained damage when he drove through a construction site in the roadway that was left open and in an unsafe condition. An investigation determined that Atlanta Gas Light Company performed work at the incident location. The utility company has accepted liability for the damages and is currently resolving the claim.

INVESTIGATION:

Statements: City employee Claimant Others 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

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 Account charged: 1A01 2J01 2H01

Claims Manager: Concur/date 07-17-01

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**

**ITEMS
ADOPTED ON
CONSENT
AGENDA**

**ITEMS
ADVERSED
ON CONSENT
AGENDA**

**ITEMS
ADVERSED
ON CONSENT
AGENDA**

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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
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16. 01-R-1228
17. 01-R-0103
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19. 01-R-0971
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 79. 01-R-1212
 80. 01-R-1213
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