

Entered -03-27-01 - sb
CL 01L0192 - GWENDOLYN BURNS

01-C-1211

CLAIM OF: WENDY PARKER GOETZ
211 Colonial Homes Dr, #1309
Atlanta, Georgia 30309

For vehicular damages alleged to have been sustained from a construction cut that was left open and in an unsafe condition on January 30, 2001 at Peachtree Road, NE & Peachtree Battle, NE.

THIS ADVERSED REPORT IS APPROVED

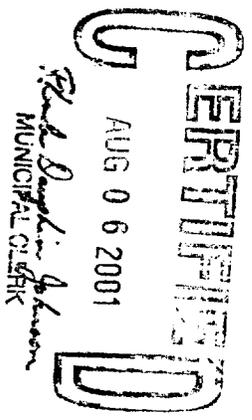
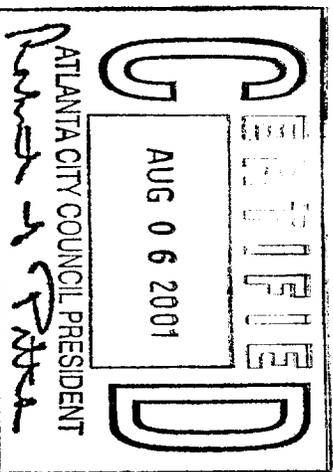
BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSED BY CITY COUNCIL AUG 06 2001

CONSENT AGENDA

ADVERSED REPORT

CCNY PS+LA
DATE 7/31/01
CHAR C. T. Mend...
Michael J. B...
Doug Albert
Robert...
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

August 8, 2001

Wendy Parker Goetz
211 Colonial Homes Dr, #1309
Atlanta, Georgia 30309

01-R-1211

Dear Ms. Goetz:

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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0192

Date: July 12, 2001

Claimant /Victim WENDY PARKER GOETZ

BY: (Atty) (Ins. Co.)

Address: 211 Colonial Homes Drive, #1309, Atlanta, Georgia 30309

Subrogation: Claim for Property damage \$ 647.80 Bodily Injury \$

Date of Notice: 3/16/01 Method: Written, Proper X Improper

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

Date of Occurrence 1/30/01 Place: Peachtree Road, NE & Peachtree Battle, NE

Department Division

Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that her vehicle sustained damage when she 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 X 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

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

ADOPT

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

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

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3. 01-O-1084	31. 01-R-1143	50. 01-R-1043	78. 01-R-1211
4. 01-O-1085	32. 01-R-1144	51. 01-R-1149	79. 01-R-1212
5. 01-O-1123	33. 01-R-1145	52. 01-R-1151	80. 01-R-1213
6. 01-O-1126	34. 01-R-1146	53. 01-R-1152	
7. 01-O-1105	35. 01-R-1147	54. 01-R-1153	
8. 01-O-1120	36. 01-R-1148	55. 01-R-1154	
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10. 01-R-1131	38. 01-R-1190	57. 01-R-1156	
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28. 01-R-1140		75. 01-R-1208	
