

Entered - 11-17-99 - sb
CL 99L0758 - ALEXIS HOLMES

CLAIM OF: **SONQUEA DOWDELL**
336 Cristi Court
Jonesboro, Georgia 30236

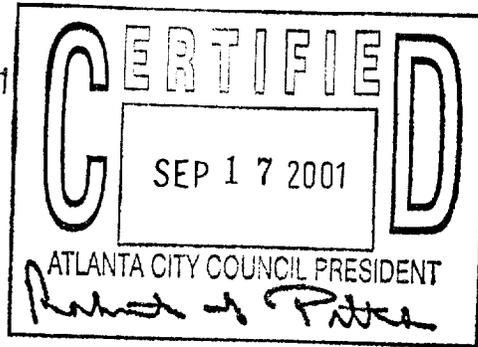
For damages alleged to have been sustained as a result of driving
over a railroad tracks on September 21, 1999 at Boulevard and
Hamilton Streets.

THIS ADVERSED REPORT IS APPROVED

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

**Standing committees
AGENDA**

ADVERSED BY
CITY COUNCIL SEP 17 2001

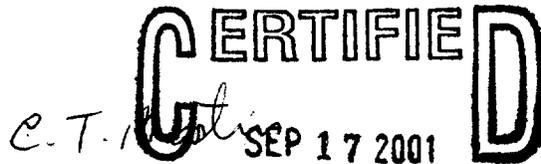


ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: *Public Safety*
CHAIR: *9/17/01*

Sherard Dorsey



for the
DEPUTY MUNICIPAL CLERK



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

September 19, 2001

Sonquea Dowdell
336 Cristi Court
Jonesboro, Georgia 30236

01-R-1361

Dear Ms. Dowdell

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 September 17, 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. 99L0758

Date: 8/8/01

Claimant /Victim SONQUEA DOWDELL

BY: (Atty)

Address: 336 Cristi Court Jonesboro, Georgia 30236

Subrogation: Claim for Property damage \$ 2,637.76 Bodily Injury \$

Date of Notice: 10/28/99 Method: Written, proper X Improper

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

Date of Occurrence 9/21/99 Place: Boulevard SE at Hamilton Street

Department Division:

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that he sustained vehicular damages when she drove over railroad tracks at a railroad crossing. However, it is not the responsibility of the City of Atlanta to maintain the tracks at railroad crossings, but it is the responsibility of the railroad company. The claimant has been advised to pursue her claim against the railroad company

INVESTIGATION:

Statements: City employee Claimant Other 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 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,

Alexis Holmes

INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

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

Claims Manager: Concur/date 08-14-01

Committee Action: Council Action

RCS# 3123
9/17/01
6:39 PM

Atlanta City Council

Regular Session

MULTIPLE
01-R-1361

Unfavorable Claims; Items 20-59

ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 1
ABSENT 0

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

MULTIPLE