

Entered - 08/07/01 - sb
CL01L0500 - DIANNE C. MITCHELL

01-R-1370

CLAIM OF: **GEORGIA POWER COMPANY**
96 Annex
Atlanta, Georgia 30396

For damages alleged to have been sustained as a result of a vehicular
accident on December 5, 2000 at 2011 Myrtle Drive, SW.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSED REPORT SEP 17 2001

CERTIFIED
SEP 17 2001
ATLANTA CITY COUNCIL PRESIDENT
Ronald A. Pate

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: Public Safety

CHAIR: 9/17/01

C.T. Monte

Sherry Spawsey
[Signature]

CERTIFIED
SEP 17 2001
[Signature]
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

October 3, 2001

Georgia Power Company
Claims Division
96 Annex
Atlanta, Ga 30396

01-R-1370

Dear Madam/Sir:

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.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0500

Date: August 8, 2001

Claimant /Victim GEORGIA POWER COMPANY

BY:(Atty.) (Ins. Co.) _____

Address: 96 Annex, Atlanta, Georgia 30396

Subrogation: _____ Claim for Property damage \$ 23,976.00 Bodily Injury \$ _____

Date of Notice: 08/06/01 Method: Written, proper X Improper _____

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

Date of Occurrence 12/05/00 Place: 2011 Myrtle Drive, SW

Department Public Works Division: Solid Waste Services

Employee involved Victor Dewhart Disciplinary Action: _____

NATURE OF CLAIM: The driver of the City vehicle suffered severe stomach pains, passed out and struck the claimant's utility pole causing damages in the above amount. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, the six month statute of limitations expired prior to receipt of the claim.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures X Diagrams _____ Reports: Police X Dept Report X 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 X Other _____ 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 _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

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

Claims Manager:  Concur/date 08/10/01

Committee Action: _____ Council Action _____

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

Atlanta City Council

Regular Session

MULTIPLE
01-R-1370

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