

Entered - 6-12-01- sb
CL 01L0374 - ALEXIS HOLMES

CLAIM OF: **SHONDRA TURNER**
485 Hill Street, SE
Atlanta, Georgia 30312

01- *R* -1405

For damages alleged to have been sustained as a result of vehicular damages from tar or asphalt particles caused by the City resurfacing the roads in the claimant's area between April 30, and May 4, 2001 at 485 Hill Street, SE.

THIS ADVERSED REPORT IS APPROVED

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

ADVERSED BY CITY COUNCIL SEP 17 2001

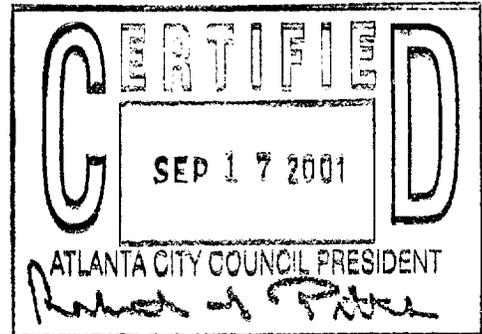
ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: *Public Safety*

CHAIR: *9/17/01* *C. T. Martin*

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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

Shondra Turner
485 Hill Street, SE
Atlanta, Georgia 30312

01-R-1405

Dear Ms. Turner:

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. 01L0374

Date: 8/21/01

Claimant /Victim SHONDRA TURNER

BY: (Atty)

Address: 485 Hill Street, SE, Atlanta, Georgia, 30312

Subrogation: Claim for Property damage \$ 100.00 Bodily Injury \$

Date of Notice: 5/18/01 Method: Written, proper X Improper

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

Date of Occurrence 4/30/01 - 5/4/01 Place: 485 Hill Street, SE

Department Public Works Division: Street Operations

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that she sustained vehicular damages when the City was resurfacing the streets in her area and particles of tar or asphalt floated through the air and settled on her vehicle causing damages in the above amount. However, this claim is duplicative of claim number 01L0346 which is currently being processed.

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 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

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 08-25-01

Committee Action Council Action

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

Atlanta City Council

Regular Session

MULTIPLE
01-R-1405

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