

Entered - 02/11/00 - sb
CL01L0355 - DIANNE C. MITCHELL

01-*r*-1410

CLAIM OF: **MELTON BROWN**
1557 Bankhead Highway, NW
Atlanta, Georgia 30318

For damages alleged to have been sustained as a result of vehicular damage on October 23, 1999 at Marietta Street and Northside Drive.

THIS ADVERSED REPORT IS APPROVED

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

ADVERSED BY SEP 17 2001
CITY COUNCIL



ADVERSE REPORT

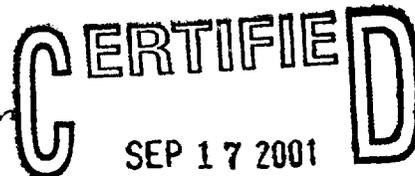
PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: *Public Safety*

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

Sherry Dorsey
[Signature]
[Signature]
[Signature]
[Signature]



[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**

September 19, 2001

Melton Brown
1557 Bankhead Highway, NW
Atlanta, Georgia 30318

01-R-1410

Dear Mr. Brown:

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. 0010068

Date: August 29, 2001

Claimant /Victim MELTON BROWN

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

Address: 1557 Bankhead Highway, NW, Atlanta, Georgia 30318

Subrogation: _____ Claim for Property damage \$ 2,425.00 Bodily Injury \$ _____

Date of Notice: 02/07/00 Method: Written, proper X Improper _____

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

Date of Occurrence 10/23/99 Place: Marietta Street and Northside Drive

Department _____ Division: _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that his vehicle was damaged when he drove into an open construction cut in the roadway. The investigation determined that the construction cut was made by Atlanta Gas Light. The claim has been forwarded to Atlanta Gas Light for handling and the claimant has been advised of this action.

INVESTIGATION:

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

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

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____

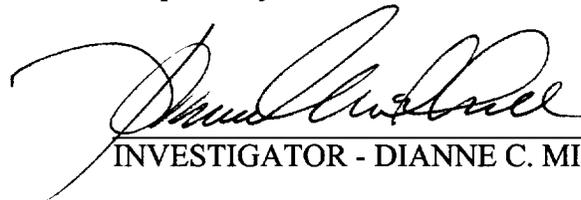
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____

City not involved X Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

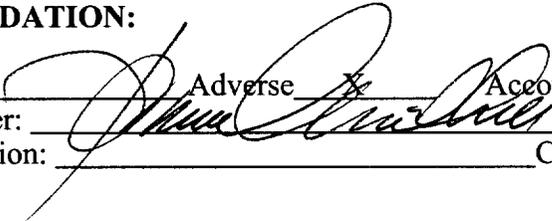
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

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

Claims Manager:  Concur/date 08-29-01

Committee Action: _____ Council Action _____

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

Atlanta City Council

Regular Session

MULTIPLE
01-R-1410

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