

Entered -07-23-01 - sb
CL 01L0467 - GWENDOLYN BURNS

CLAIM OF:

BLUE RIDGE MOUNTAIN WATERS
2255 Button Gwinnett Drive
Suite 150
Atlanta, Georgia 30340

01-12-1415

For vehicular damages alleged to have been sustained as a result of a construction site in the roadway that was left in an open and unsafe condition on June 15, 2001 at 1053 Cascade Avenue, SW.

THIS ADVERSED REPORT IS
APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSE REPORT SEP 17 2001

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: Public Safety
CHAIR: 9/17/01 C. F. Martin

Sherry Dorsey
[Signature]

CERTIFIED
SEP 17 2001
ATLANTA CITY COUNCIL PRESIDENT
[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

Blue Ridge Mountain Waters
Attn: Charlotte L. Taylor
2255 Button Gwinett Drive
Suite 150
Atlanta, GA 30340

01-R-1415

Dear Ms. Taylor:

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. 01L0467

Date: August 26, 2001

Claimant /Victim BLUE RIDGE MOUNTAIN WATERS
BY: (Atty) (Ins. Co.)
Address: 2255 Button Gwinnett Drive, Suite 150, Atlanta, Georgia 30340
Subrogation: Claim for Property damage \$ 560.01 Bodily Injury \$
Date of Notice: 7/16/01 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 6/15/01 Place: 1053 Cascade Avenue, SW
Department Division
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that its vehicle sustained damage when it was driven through a construction site in the roadway that was left open and in an unsafe condition. An investigation determined that a private contractor performed work at the incident location. The claimant has been advised of this and its claim has been forwarded to the company for resolution.

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,

[Signature]
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: [Signature] Concur/date 18301
Committee Action: Council Action

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

Atlanta City Council

Regular Session

MULTIPLE
01-R-1415

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