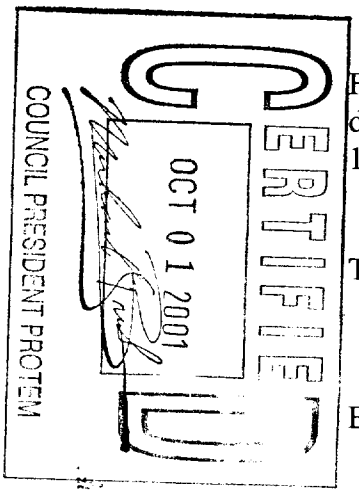
Entered - 6-29-99 - sb
CL 99L0390 - ALEXIS HOLMES

CLAIM OF: **MARK BRAVARD**
3588 Highway 138
122
Stockbridge, Georgia 30281

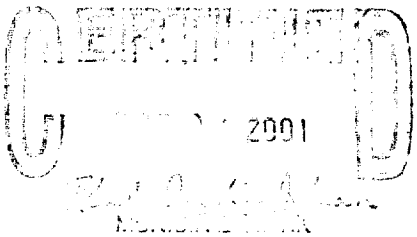
01- R -1529



For damages alleged to have been sustained as a result of vehicular damage due to a rock falling from a City dump truck on May 11, 1999 at Moreland Avenue and Interstate 20.

THIS ADVERSE REPORT IS APPROVED

BY: Rosalind Rubens Newell by Robin N. Chief DCA
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY



ADVERSE REPORT

CITY COUNCIL 2001

PUBLIC SAFTEY &
LEGAL ADMINISTRATION COMMITTEE
DATE: SEP 25 2001
CHAIR:

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

Mark Bravard
3588 Highway 138 # 122
Stockbridge, Georgia 30281

01-R-1529

Dear Mr. Bravard:

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 October 1, 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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0390 Date: 9/13/01

Claimant /Victim MARK BRAVARD
BY: (Atty) _____
Address: 3588 Highway 138, Apt. 122, Stockbridge, Georgia 30281
Subrogation: _____ Claim for Property damage $ 333.77 Bodily Injury $ _____
Date of Notice: 6/28/99 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 5/11/99 Place: Moreland Avenue and Interstate 20
Department Public Works Division: Street Operations
Employee involved Unknown Disciplinary Action: _____

NATURE OF CLAIM: The windshield on the claimant's vehicle was broken when a rock fell from a City dump truck and struck same causing damages in the above amount. Several attempts to contact the claimant were made by telephone and by mail but the claimant could not be located. Therefore this claim is deemed abandoned.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Other _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ 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 _____ 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 X

Respectfully submitted,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay $ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager: [illegible] Concur/date 09-13-01
Committee Action: _____ Council Action _____

FORM 23-61

COUNCIL PRESIDENT PROTEM MICHAEL BOND PRESIDE

RCS# 3142
10/01/01
1:54 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 14

ADOPT

SEE ATTACHED LISTING OF ITEMS ADOPTED/ADVERSED ON CONSENT AGENDA

YEAS:	12
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	2
EXCUSED:	0
ABSENT	2

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

ITEM (S) REMOVED FROM <u>CONSENT AGENDA</u>
01-O-1018

CONSENT

ITEMS ADOPTED ON CONSENT AGENDA

1. 01-O-1570
2. 01-O-1571
3. 01-O-1354
4. 01-O-1488
5. 01-O-1335
6. 01-O-1336
7. 01-O-1337
8. 01-O-1342
9. 01-O-1343
10. 01-O-1344
11. 01-O-1345
12. 01-O-1346
13. 01-O-1119
14. 01-O-1351
15. 01-O-1572
16. 01-R-1588
17. 01-R-1273
18. 01-R-1276
19. 01-R-1428
20. 01-R-1456
21. 01-R-1471
22. 01-R-1499
23. 01-R-1580
24. 01-R-1581
25. 01-R-0921
26. 01-R-1561
27. 01-R-1584
28. 01-R-1521
29. 01-R-1522
30. 01-R-1523
31. 01-R-1524
32. 01-R-1525
33. 01-R-1526
34. 01-R-1527
35. 01-R-1528
36. 01-R-1545
37. 01-R-1546
38. 01-R-1547

ITEMS ADVERSED ON CONSENT AGENDA

39. 01-R-1529
40. 01-R-1530
41. 01-R-1531
42. 01-R-1532
43. 01-R-1533
44. 01-R-1534
45. 01-R-1535
46. 01-R-1536
47. 01-R-1537
48. 01-R-1538
49. 01-R-1539
50. 01-R-1540
51. 01-R-1541
52. 01-R-1542
53. 01-R-1543
54. 01-R-1544
55. 01-R-1548
56. 01-R-1549
57. 01-R-1550
58. 01-R-1551
59. 01-R-1552
60. 01-R-1553
61. 01-R-1554
62. 01-R-1555
63. 01-R-1556
64. 01-R-1557
65. 01-R-1558
66. 01-R-1559
67. 01-R-1560