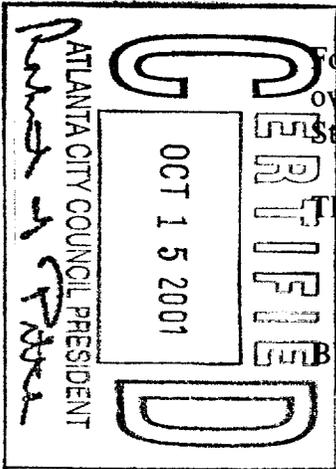


Entered - 6-12-01- sb
CL 01L0381 - ALEXIS HOLMES

01-*r*-1621

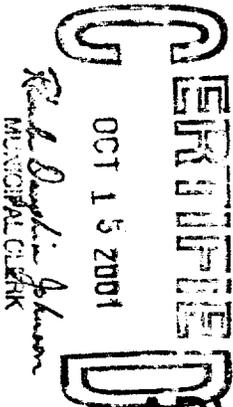
CLAIM OF: **KEROME LOVE**
P.O. Box 92592
Atlanta, Georgia 30314



For damages alleged to have been sustained as a result of driving over defective asphalt in the road on January 10, 2001 at 435 Ashby Street, NW.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell by
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY
Robert M. G. DCA



APPROVED OCT 15 2001

ADVERSE REPORT

OCT 09 2001
C. T. M. T.
Clara Henderson



**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 17, 2001

Kerome Love
P.O. Box 92592
Atlanta, Georgia 30314

01-R-1621

Dear Mr. Love:

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 15, 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. 01L0381

Date: 9/21/01

Claimant /Victim KEROME LOVE

BY: (Atty)

Address: P.O. Box 92592 Atlanta, Georgia 30314

Subrogation: Claim for Property damage \$ 105.99 Bodily Injury \$

Date of Notice: 6/6/01 Method: Written, proper X Improper

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

Date of Occurrence 1/10/01 Place: 435 Ashby Street, NW

Department Division:

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that he sustained vehicular damages when he drove over buckled asphalt in the road. However, during an investigation it was discovered a construction company had performed work at the location in question, and not the City. The claimant has been advised to pursue his claim against the construction company. Furthermore, the City did not have notice that the defect existed prior to the incident involving the claimant.

INVESTIGATION:

Statements: City employee Claimant X Other Written X Oral X

Pictures X Diagrams Reports: Police Dept Report X 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 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,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

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

Claims Manager: Concur/date 09-21-01

Committee Action: Council Action

RCS# 3186
10/15/01
3:51 PM

Atlanta City Council

Regular Session

MULTIPLE
01-R-1621

Unfavorable Claims; Items #6-#23,
#26 & #27
ADVERSE

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

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

CORRECTED COPY

MULTIPLE