

Standing committees
AGENDA
ADVERSE REPORT
CITY COUNCIL DEC 03 2001

Entered -4-10-00 - sb
CL 00L0201 - GWENDOLYN BURNS

01-R-1952

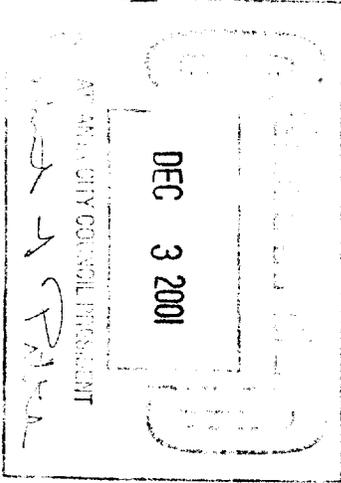
CLAIM OF: GAYLON CALHOUN
2665 Druid Hills Road, NW
Atlanta, Georgia 30329

For vehicular damages alleged to have been sustained as a result of a metal plate that was not properly covering a construction site on February 25, 2000 at 675 Ponce de Leon Avenue, NE.

THIS ADVERSED REPORT IS
APPROVED

BY: Rosalind Rubens Newell

ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY



CERTIFIED
DEC 03 2001

DEPUTY MUNICIPAL CLERK
[Signature]

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: _____

CHAIR: _____



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

December 6, 2001

Gaylon Calhoun
2665 Druid Hills Rd., NW
Atlanta, GA 30329

01-R-1952

Dear Mr. Calhoun:

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 December 03, 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. 00L0201

Date: November 14, 2001

Claimant /Victim GAYLON CALHOUN
BY: (Atty) (Ins. Co.)
Address: 2665 Druid Hills Road, NE, Atlanta, Georgia 30329
Subrogation: Claim for Property damage \$ 165.00 Bodily Injury \$
Date of Notice: 3/23/00 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 2/25/00 Place: 675 Ponce de Leon Avenue, NE
Department PUBLIC WORKS Division SEWER
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that he sustained vehicular damage when he drove over a metal sewer plate that was not properly covering a construction cut in the roadway. However, the claimant has failed to pursue his claim.

INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X
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 Ministerial X
Improper Notice More than Six Months Other Damages reasonable X
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned X

Respectfully submitted,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 11-15-01
Committee Action: Council Action

RCS# 3389
12/04/01
1:15 AM

Atlanta City Council

Regular Session

#13) 01-R-1947

#14) 01-R-1948

#15) 01-R-1949

#16) 01-R-1950

#17) 01-R-1951

#18) 01-R-1952

#20) 01-R-1960

#21) 01-R-1961

#22) 01-R-1962

MULTIPLE

Unfavorable Claims: #13 through #22
Except #19
ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 0

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

MULTIPLE