

ATLANTA CITY COUNCIL
JAN 22 2002

Entered - 08/01/00 - sb
CL00L0451 - DIANNE C. MITCHELL

CLAIM OF: **EUGENE HOLSEY**
1260 Lynway Lane, SW
Atlanta, Georgia 30311

02-R -0016

For damages alleged to have been sustained as a result of vehicular damage due to a protruding water valve in the roadway on July 18, 2000 at Canaan Walk Subdivision on Union Road.

THIS ADVERSED REPORT IS APPROVED

CONSENT AGENDA

BY: Rosalind R Newell

ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

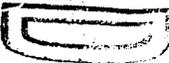


ADVERSE REPORT

COMM P.S.L.A.
DATE 1-15-02
CHAIR _____
[Signature]
[Signature]
[Signature]

[Signature]
MUNICIPAL CLERK

JAN 22 2002





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

January 29, 2002

Eugene Holsey
1260 Lynway Lane, SW
Atlanta, GA 30311

02-R-0016

Dear Mr. Holsey:

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 January 22, 2002. 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. 00L0451

Date: September 5, 2001

Claimant /Victim EUGENE HOLSEY

BY: (Atty)(Ins. Co.)

Address: 1260 Lynway Lane, SW, Atlanta, Georgia 30311

Subrogation: Claim for Property damage \$ 318.03 Bodily Injury \$

Date of Notice: 07/25/00 Method: Written, proper X Improper

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

Date of Occurrence 07/18/00 Place: Canaan Walk Subdivision on Union Road

Department Water Division:

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges he damaged his vehicle when he drove over a water valve that was protruding above the surface of the roadway. The investigation determined that United Water Services Atlanta was responsible for the condition of the water valve. The claim was forwarded to United Water Services Atlanta for handling and the claimant has received a settlement from them.

INVESTIGATION:

Statements: City employee Claimant Others 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 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,

[Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

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

Claims Manager: [Signature] Concur/date 12-05-01

Committee Action: Council Action

RCS# 3405
1/22/02
1:28 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1 through 9

**SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA**

ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT

01/22/02 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 02-O-0085
2. 02-R-0003
3. 02-R-0007
4. 02-R-0008
5. 02-R-0009
6. 02-R-0036
7. 02-R-0038
8. 02-R-0010
9. 02-R-0031
10. 02-R-0032
11. 02-R-0033
12. 02-R-0034
13. 02-R-0094
14. 02-R-0095
15. 02-R-0096
16. 02-R-0097

**ITEMS ADVERSED ON
CONSENT AGENDA**

17. 02-R-0011
 18. 02-R-0012
 19. 02-R-0013
 20. 02-R-0014
 21. 02-R-0015
 22. 02-R-0016
 23. 02-R-0017
 24. 02-R-0018
 25. 02-R-0019
 26. 02-R-0020
 27. 02-R-0021
 28. 02-R-0022
 29. 02-R-0023
 30. 02-R-0024
 31. 02-R-0025
 32. 02-R-0026
 33. 02-R-0027
 34. 02-R-0028
 35. 02-R-0029
 36. 02-R-0030
 37. 02-R-0098
 38. 02-R-0099
 39. 02-R-0100
 40. 02-R-0101
 41. 02-R-0102
 42. 02-R-0103
-