

Entered - 04-09-01 - sb  
CL 01L0223 - GWENDOLYN BURNS

CLAIM OF: MITCHELL WAYNE SUTTON  
3661 Osborne Drive  
Flowery Branch, Georgia 30542

02-R-0028

For vehicular damages alleged to have been sustained as a result of a construction cut that was left open and in an unsafe condition on March 2, 2001 at North Avenue, NE & Myrtle Street, NE.

THIS ADVERSED REPORT IS APPROVED

CONSENT AGENDA

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

ATLANTA CITY COUNCIL PRESIDENT  
Catherine W. Hayward  
JAN 22 2002  
CERTIFIED

MUNICIPAL CLERK  
Rosalind Rubens Newell  
JAN 22 2002  
CERTIFIED

ADVERSE REPORT

COMM: P. S. L. A.  
DATE: 1-15-02  
CHAIR: [Signature]  
C. T. Martin

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

Mitchell Wayne Sutton  
3661 Osborne Drive  
Flowery Branch, GA 30542

02-R-0028

Dear Mr. Sutton:

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. 01L0223

Date: January 2, 2002

Claimant /Victim MITCHELL WAYNE SUTTON
BY: (Atty) (Ins. Co.)
Address: 3661 Osborne Drive, NE, Flowery Branch, Georgia 30542
Subrogation: Claim for Property damage \$ 354.37 Bodily Injury \$
Date of Notice: 4/9/01 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)
Date of Occurrence 3/2/01 Place: North Avenue, NE & Myrtle Street, NE
Department Division
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that his vehicle sustained damage when he drove over a construction cut in the roadway that was not properly covered and left in an unsafe condition. An investigation determined that United Water Services Atlanta, Inc. performed work at the incident location. The claimant's claim has been forwarded and resolved by United Water Services Atlanta, Inc.

INVESTIGATION:

Statements: City employee Claimant Others 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,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 01-04-02
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

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01/22/02 Council Meeting

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**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
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