

Entered -03-08-01 - sb
CL 01L0170 - GWENDOLYN BURNS

CLAIM OF: **JOHN J. MURRAY II**
1117 Austin Avenue
Atlanta, Georgia 30307

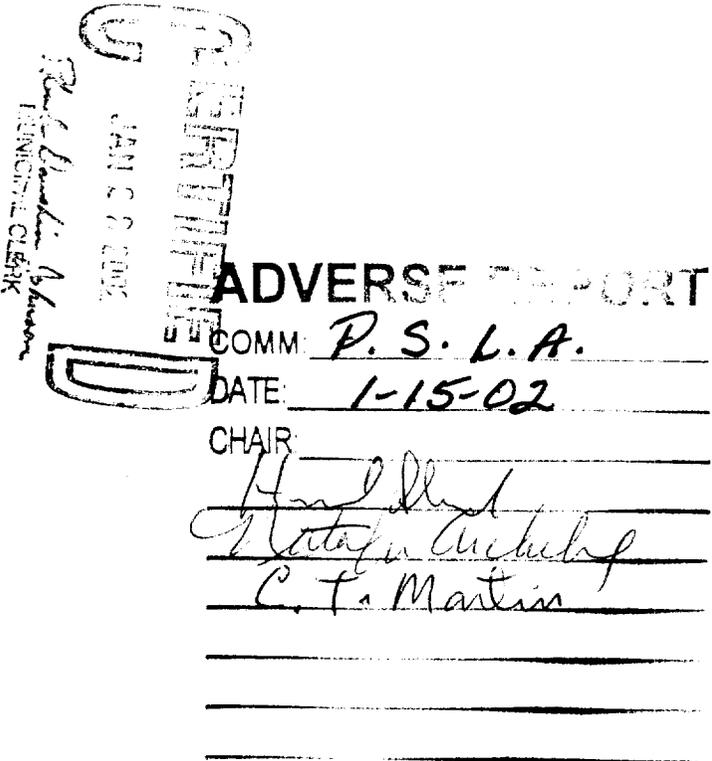
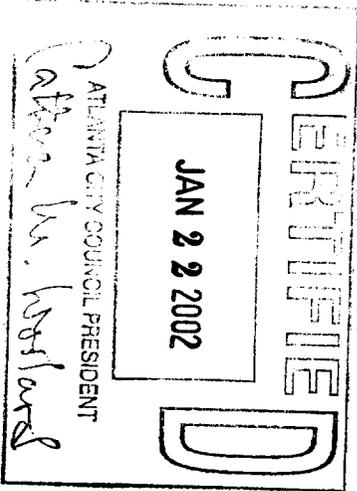
02-R -0029

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 December 22, 2000 at North Highland Avenue, NE and Highland Terrace, NE.

THIS ADVERSED REPORT IS APPROVED

CONSENT AGENDA

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY



JAN 22 2002



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

January 29, 2002

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

John J. Murray II
1117 Austin Ave.
Atlanta, GA 30307

02-R-0029

Dear Mr. Murray:

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. 01L0170

Date: January 2, 2002

Claimant /Victim JOHN J. MURRAY II
BY: (Atty) (Ins. Co.)
Address: 1117 Austin Avenue, Atlanta, Georgia 30307
Subrogation: Claim for Property damage \$ 1,047.03 Bodily Injury \$
Date of Notice: 3/01/01 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)
Date of Occurrence 12/22/00 Place: North Highland Avenue, NE and Highland Terrace, 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 01-02-02
Committee Action: Council Action

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

Atlanta City Council

Regular Session

CONSENT

Pages: 1 through 9

ADOPT

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

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
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