Entered -12-6-00 - sb
CL 00L0745 - GWENDOLYN BURNS

02-R-0284

CLAIM OF:

PROGRESSIVE INSURANCE COMPANY
as subrogee of insured, Cameron Watson
P.O. Box 43258
Richmond Heights, OH 44143

For vehicular damages alleged to have been sustained from a broken storm drain that was located in the roadway on February 24, 2000 at Centennial Olympic Park Drive & Nelson Street, SW.

THIS ADVERSED REPORT IS
APPROVED

BY: _____
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

CERTIFIED
MAR 04 2002
ATLANTA CITY COUNCIL PRESIDENT

ADVERSE REPORT

COMM: _____
DATE: _____
CHAIR: _____

CERTIFIED
MAR 04 2002
MUNICIPAL CLERK

ADVERSED BY CITY COUNCIL MAR 04 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

March 14, 2002

Progressive Ins. Co. as
subrogee of insured, Cameron Watson
Attn: Annmarie Britton
P.O. Box 43258
Richmond Heights, OH 44143

02-R-0284

Dear Ms. Britton:

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 March 4, 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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0745 Date: February 14, 2002

Claimant /Victim **CAMERON WATSON**
BY: (Atty) (Ins. Co.) PROGRESSIVE INSURANCE COMPANY
Address: P.O. Box 43258, Richmond Heights, OH 44143
Subrogation: _____ Claim for Property damage $ 2,570.91 Bodily Injury $ _____
Date of Notice: 12/6/00 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 02/24/00 Place: Centennial Olympic Park Drive & Nelson Street, SW
Department PUBLIC WORKS Division Sewer Operations
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that while stopped at a traffic light, the storm drain that was located in the roadway underneath his vehicle broke causing serious damage to his vehicle. However, an investigation determined that the City did not have notice of a storm drain problem at this location prior to the February 24, 2000 incident. The City is immune from liability as set forth in O.C.G.A. §36-33-1. *(Duplicate - See claim #00L0160 - filed on behalf of claimant)*

INVESTIGATION:

Statements: City employee X Claimant _____ Others _____ Written _____ Oral X
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X 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 X Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,

INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay $ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 ___
Claims Manager: _____ Concur/date 02-15-02
Committee Action: _____ Council Action _____

RCS# 3550
3/04/02
1:31 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs.1-12;Except02-R-0348;02-R-0350;0380
02-R-0387;02-R-0347;02-O-0364;02-O-0249
ADOPT

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

SEE ATTACHED LISTING OF ITEMS ADOPTED/ADVERSED ON CONSENT AGENDA

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

ITEM (S) REMOVED FROM
CONSENT AGENDA
02-O-0364
02-O-0380
02-O-0249

CONSENT I

ITEMS ADOPTED ON CONSENT AGENDA

1. 02-O-0370
2. 02-O-0155
3. 02-O-0200
4. 02-O-0243
5. 02-O-0374
6. 02-O-0371
7. 02-O-0372
8. 02-R-0348
9. 02-R-0350
10. 02-R-0387
11. 02-R-0199
12. 02-R-0209
13. 02-R-0353
14. 02-R-0367
15. 02-R-0383
16. 02-R-0386
17. 02-R-0327
18. 02-R-0328
19. 02-R-0329
20. 02-R-0330
21. 02-R-0331
22. 02-R-0333
23. 02-R-0334
24. 02-R-0339
25. 02-R-0325
26. 02-R-0326
27. 02-R-0345

ITEMS ADOPTED ON CONSENT AGENDA

28. 02-R-0203
29. 02-R-0365
30. 02-R-0315
31. 02-R-0316
32. 02-R-0317
33. 02-R-0318
34. 02-R-0319
35. 02-R-0320
36. 02-R-0321
37. 02-R-0322
38. 02-R-0323
39. 02-R-0284
40. 02-R-0285
41. 02-R-0286
42. 02-R-0287

ITEMS ADVERSED ON CONSENT AGENDA

43. 02-R-0288
44. 02-R-0289
45. 02-R-0290
46. 02-R-0291
47. 02-R-0292
48. 02-R-0293
49. 02-R-0294
50. 02-R-0295
51. 02-R-0296
52. 02-R-0297
53. 02-R-0298
54. 02-R-0299
55. 02-R-0301
56. 02-R-0302
57. 02-R-0303
58. 02-R-0304
59. 02-R-0305
60. 02-R-0306
61. 02-R-0307
62. 02-R-0308
63. 02-R-0309
64. 02-R-0310
65. 02-R-0311
66. 02-R-0312
67. 02-R-0313
68. 02-R-0314