

Entered - 08/05/97- tew  
CL97L0473 - DIANNE C. MITCHELL

CLAIM OF: **BERTHA PEARSON**  
**1804 Alvarado Terrace, SW**  
**Atlanta, Georgia 30310**

02-R -0551

For damages alleged to have been sustained as a result of property damage during the Utoy Creek Sewer Separation Project on June 22, 1997 at 1804 Alvarado Terrace, SW.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell  
**ROSALIND RUBENS NEWELL**  
**INTERIM CITY ATTORNEY**

ADVERSED BY  
CITY COUNCIL APR 01 2002

### ADVERSE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 3/26/02

CHAIR: [Signature]

[Signature]

[Signature]

[Signature]

[Signature]

**CERTIFIED**  
APR 01 2002  
*Rosalind Rubens Newell*  
MUNICIPAL CLERK

**CERTIFIED**  
APR 1 2002  
*[Signature]*  
CITY PRESIDENT PROTEM



## 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

April 18, 2002

Bertha Pearson  
1804 Alvarado Terrace, SW  
Atlanta, Georgia 30310

02-R-0551

Dear Ms. Pearson:

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 April 1, 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. 97L0473

Date: March 14, 2002

Claimant /Victim BERTHA PEARSON

BY: (Atty)(Ins. Co.) \_\_\_\_\_

Address: 1804 Alvarado Terrace, SW, Atlanta, Georgia 30310

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 1,500.00 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 07/14/97 Method: Written, proper X Improper \_\_\_\_\_

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

Date of Occurrence 06/22/97 Place: 1804 Alvarado Terrace, SW

Department Public Works Division: Sewer Operations

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges her property was damaged during the Utoy Sewer Separation Project. The investigation determined that the work was performed by a private contractor, Rockdale Pipeline, and the claim has been tendered to their insurance carrier for handling.

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 X 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 \_\_\_\_\_

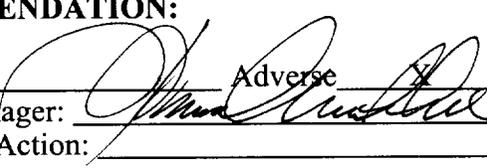
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

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

Claims Manager:  Concur/date 03-14-02

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 3635  
4/01/02  
2:42 PM

Atlanta City Council

Regular Session

CONSENT I

Except; 02-R-0531; 02-R-0499; R-0497; R-0561  
02-R-0498; 02-R-0588; 02-R-0589; 02-R-0513

ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 1

SEE ATTACHED LISTING OF ITEMS  
ADOPTED/ADVERSED ON  
CONSENT AGENDA

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

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
02-R-0497  
02-R-0498  
02-R-0499  
02-R-0513  
02-R-0531  
02-R-0561  
02-R-0589

**CORRECTED COPY**

CONSENT I

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**04/01/02 Council Meeting**

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**ITEMS ADOPTED ON  
CONSENT AGENDA**

**ITEMS ADOPTED ON  
CONSENT AGENDA**

**ITEMS  
ADVERSED  
ON CONSENT  
AGENDA**

1. 02-O-0562
2. 02-O-0564
3. 02-O-0566
4. 02-O-0568
5. 02-O-0582
6. 02-O-0389
7. 02-O-0392
8. 02-O-0390
9. 02-O-0458
10. 02-O-0394
11. 02-O-0397
12. 02-O-0399
13. 02-O-0400
14. 02-O-0401
15. 02-O-0402
16. 02-O-0403
17. 02-O-0404
18. 02-O-0405
19. 02-O-0408
20. 02-R-0464
21. 02-R-0494
22. 02-R-0495
23. 02-R-0496
24. 02-R-0500
25. 02-R-0560
26. 02-R-0569
27. 02-R-0570
28. 02-R-0571
29. 02-R-0572
30. 02-R-0573
31. 02-R-0574
32. 02-R-0595
33. 02-R-0596

34. 02-R-0486
35. 02-R-0511
36. 02-R-0587
37. 02-R-0492
38. 02-R-0493
39. 02-R-0557
40. 02-R-0521
41. 02-R-0522
42. 02-R-0523
43. 02-R-0524
44. 02-R-0525
45. 02-R-0526
46. 02-R-0527
47. 02-R-0528
48. 02-R-0529
49. 02-R-0530
50. 02-R-0567
51. 02-R-0588
52. 02-R-0518
53. 02-R-0556
54. 02-R-0558
55. 02-R-0585
56. 02-R-0586
57. 02-R-0349
58. 02-R-0506
59. 02-R-0532
60. 02-R-0533
61. 02-R-0534
62. 02-R-0535

63. 02-R-0514
  64. 02-R-0515
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  66. 02-R-0517
  67. 02-R-0536
  68. 02-R-0537
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  71. 02-R-0540
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  76. 02-R-0545
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  80. 02-R-0549
  81. 02-R-0550
  82. 02-R-0551
  83. 02-R-0552
  84. 02-R-0553
  85. 02-R-0554
  86. 02-R-0555
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