

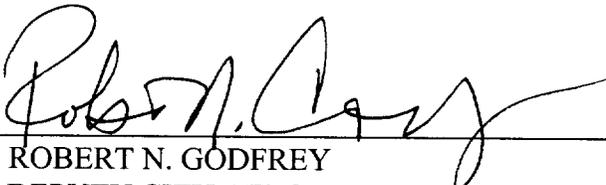
Entered - 03-13-02 - sb
CL - 02L0213 - ALEXIS HOLMES

02- R-0636

CLAIM OF: **KELVIN SMITH**
2705 Head Road
Atlanta, Georgia 30311

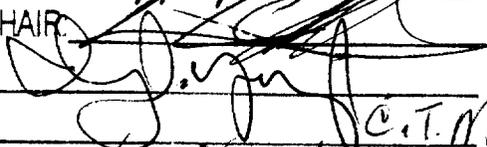
For damages alleged to have been sustained as a result of City workers removing a trash container on January 24, 2002 at 2705 Head Road.

THIS ADVERSE REPORT IS APPROVED

BY: 
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

CONSENT AGENDA

ADVERSE REPORT

COMM: Public Safety
DATE: 4/9/02
CHAIR: 
C.T. Martin


ADVERSED BY
CITY COUNCIL MAY 06
CERTIFIED
MAY 06 2002
ATLANTA CITY COUNCIL PRESIDENT
Catherine W. Woodard

CERTIFIED
MAY 06 2002
Phoné Dandrea Johnson
MUNICIPAL CLERK



**CITY OF ATLANTA
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

May 21, 2002

FORIS WEBB, III
DEPUTY MUNICIPAL CLERK

Kelvin Smith
2705 Head Road
Atlanta, GA 30311

02-R-0636

Dear Mr. Smith:

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 May 6, 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. 02L0213

Date: 03/26/02

Claimant /Victim KELVIN SMITH

BY: (Atty)

Address: 2705 Head Road Atlanta, Georgia 30311

Subrogation: Claim for Property damage \$ 60.00 Bodily Injury \$

Date of Notice: 3/5/02 Method: Written, proper X Improper

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

Date of Occurrence 1/24/02 Place: 2705 Head Road

Department Public Works Division: Solid Waste

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant seeks recovery of damages to a herbie-curbie trash receptacle provided by the City. The City has replaced the claimant's damaged herbie-curbie with a new herbie-curbie.

INVESTIGATION:

Statements: City employee X Claimant Other Written Oral X

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 X

Improper Notice More than Six Months Other Damages reasonable

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces X

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

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

Claims Manager: Concur/date 03-26-02

Committee Action: Council Action

RCS# 3723
5/06/02
4:03 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-14: Except 02-R-0507; 02-O-0668
02-R-0701; 02-O-0594; 02-O-0675; 0584
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	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
B Winslow	Y Muller	Y Boazman	NV Woolard

ITEM (S) REMOVED FROM
CONSENT AGENDA

02-R-0701
02-O-0584
02-O-0594
02-O-0675
02-O-0668

CONSENT I

05/06/02 Council Meeting

ITEMS ADOPTED ON CONSENT AGENDA

ITEMS ADOPTED ON CONSENT AGENDA

ITEMS ADVERSED ON CONSENT AGENDA

1. 02-O-0666
2. 02-O-0678
3. 02-O-0681
4. 02-O-0684
5. 02-O-0487
6. 02-O-0491
7. 02-O-0686
8. 02-O-0687
9. 02-O-0688
10. 02-O-0086
11. 02-O-0672
12. 02-O-0689
13. 02-O-0563
14. 02-O-0673
15. 02-O-0674
16. 02-R-0512
17. 02-R-0680
18. 02-R-0598
19. 02-R-0697
20. 02-R-0600
21. 02-R-0658
22. 02-R-0702
23. 02-R-0480
24. 02-R-0507
25. 02-R-0501
26. 02-R-0604
27. 02-R-0704
28. 02-R-0607
29. 02-R-0608
30. 02-R-0609
31. 02-R-0610
32. 02-R-0611
33. 02-R-0612

34. 02-R-0613
35. 02-R-0614
36. 02-R-0615
37. 02-R-0616
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40. 02-R-0619
41. 02-R-0620
42. 02-R-0621
43. 02-R-0622
44. 02-R-0623
45. 02-R-0624
46. 02-R-0700

47. 02-R-0625
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 79. 02-R-0657
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