Entered - 10/17/01 - sb
CL01L0642 - DIANNE C. MITCHELL

CLAIM OF: **E. C. THOMPSON**
**145 Ashland Trail**
**Tyrone, Georgia 30290**

**02- R -0772**

For damages alleged to have been sustained as a result of vehicular damage due to an unsecured metal plate in the roadway on September 8, 2001 at Northside Drive near 14th Street.

THIS ADVERSED REPORT IS APPROVED

CONSENT AGENDA

BY: _____
**ROBERT N. GODFREY**
**DEPUTY CITY ATTORNEY**

ADVERSED BY CITY COUNCIL MAY 20

CERTIFIED
MAY 20 2002
ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
MAY 20 2002
MUNICIPAL CLERK

ADVERSE REPORT
COMM. Public Safety
DATE: 5/14/02
CHAIR:

# 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 31, 2002

E. C. Thompson
145 Ashland Trail
Tyrone, GA 30290

**02-R-0772**

Dear Mr. Thompson:

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 20, 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. **01L0642** Date: April 10, 2002

Claimant /Victim **E. C. THOMPSON**
BY: (Atty)(Ins. Co.)
Address: 145 Ashland Trail, Tyrone, Georgia 30290
Subrogation: _____ Claim for Property damage $ **753.24** Bodily Injury $ _____
Date of Notice: 09/28/01 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 09/08/01 Place: Northside Drive near 14th Street
Department _____ Division: _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges his vehicle was damaged when he drove over an unsecured metal plate in the roadway. The investigation determined that a private contractor was responsible for the cut in the roadway. The claim has been forwarded to the private contractor for handling and the claimant has been advised of this action.

**INVESTIGATION:**

Statements: City employee _____ Claimant _____ Others X Written _____ Oral X
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 _____ Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ 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 _____ 2P01 _____
Claims Manager: _____ Concur/date 04-10-02
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 3731
5/20/02
2:33 PM

Atlanta City Council

Regular Session

CONSENT I PGS. 1-15: Except 02-O-0852; 02-R-0729

ADOPT

| | |
|---|---|
| YEAS: | 12 |
| NAYS: | 0 |
| ABSTENTIONS: | 0 |
| NOT VOTING: | 3 |
| EXCUSED: | 0 |
| ABSENT | 1 |

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

CONSENT I

# CONSENT AGENDA MAY 20, 2002

## ITEMS ADOPTED ON THE CONSENT AGENDA

02-R-0813
02-R-0812
02-R-0807
02-R-0805
02-R-0721
02-R-0504
02-R-0808
02-R-0708
02-R-0707
02-R-0882
02-R-0881
02-R-0809
02-R-0798
02-R-0797
02-R-0732
02-R-0706
02-R-0724
02-R-0802
02-R-0888
02-R-0887
02-R-0733
02-R-0731
02-R-0728
02-R-0727
02-O-0846
02-O-0830
02-O-0703
02-O-0699
02-O-0671
02-O-0606
02-O-0605
02-O-0833
02-O-0601
02-O-0488
02-O-0836
02-O-0845
02-O-0844
02-O-0843
02-O-0835
02-O-0834
02-O-0603
02-R-0735
02-R-0752
02-R-0753
02-R-0754
02-R-0755
02-R-0756
02-R-0757
02-R-0758
02-R-0759
02-R-0760
02-R-0761

## ITEMS ADVERSED ON THE CONSENT AGENDA

02-R-0762
02-R-0763
02-R-0764
02-R-0765
02-R-0766
02-R-0767
02-R-0768
02-R-0769
02-R-0770
02-R-0771
02-R-0772
02-R-0773
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02-R-0792
02-R-0793
02-R-0794
02-R-0795
02-R-0796