Entered - 07/09/01 - sb
CL01L0415 - DIANNE C. MITCHELL

CLAIM OF: **MICHAEL W. SMITH**
2434 Vivian Circle
Decatur, Georgia 30030

02-R-0782

For damages alleged to have been sustained as a result of a vehicular accident on May 2, 2001 at 14th Street and Piedmont Avenue.

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

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

Michael W. Smith
2434 Vivian Circle
Decatur, GA 30030

02-R-0782

Dear Ms. 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 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. **01L0415** Date: May 2, 2002

Claimant /Victim **MICHAEL W. SMITH**
BY:(Atty.) (Ins. Co.)
Address: 2434 Vivian Circle, Decatur, Georgia 30030
Subrogation: _____ Claim for Property damage $ **958.14** Bodily Injury $ _____
Date of Notice: 07/09/01 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 05/02/01 Place: 14th Street and Piedmont Avenue
Department _____ Division: _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant was involved in a vehicular accident with a vehicle owned by United Water Services Atlanta and driven by one of its employees. This claim was forwarded to United Water Services For handling and the claim has been settled through its insurance carrier.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police X 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 05-02-02
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
02-R-0774
02-R-0775
02-R-0776
02-R-0777
02-R-0778
02-R-0779
02-R-0780
02-R-0781
02-R-0782
02-R-0783
02-R-0784
02-R-0785
02-R-0786
02-R-0787
02-R-0788
02-R-0789
02-R-0790
02-R-0792
02-R-0793
02-R-0794
02-R-0795
02-R-0796