

Entered - 10-01-01- sb
CL 01L0620 - ALEXIS HOLMES

02-*R*-0930

CLAIM OF: **CHRIS WITMER**
1036 Kentucky Avenue
Atlanta, Georgia 30306

For vehicular damages alleged to have been sustained as a result of
vehicular damage due to an unsecured metal plate in the roadway on
March 10, 2001 at 2492 Habersham Road.

THIS ADVERSE REPORT IS APPROVED

BY: *Robert N. Godfrey*
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

CONSENT AGENDA

ADVERSE BY JUN 03
CITY COUNCIL

ADVERSE REPORT

COMM: *Public Safety*
DATE: *5/23/02*
CHAIR: *Natasha Archibong*
Est. Martin
Clara K. Kiplome
[Signature]
[Signature]

CERTIFIED
JUN 03 2002
ATLANTA CITY COUNCIL PRESIDENT
Catherine W. Woodard

CERTIFIED
JUN 03 2002
Rhonda Daughin Johnson
MUNICIPAL CLERK



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

June 6, 2002

Chris Witmer
1036 kentucky Ave.
Atlanta, GA 30306

02-R-0930

Dear Mr. Witmer:

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 June 3, 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. 01L0620

Date: 05/13/02

Claimant /Victim CHRIS WITMER

BY: (Atty)

Address: 1036 Kentucky Avenue Atlanta, Georgia 30306

Subrogation: Claim for Property damage \$ 2,137.14 Bodily Injury \$

Date of Notice: 03/11/01 Method: Written, proper X Improper

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

Date of Occurrence 03/10/01 Place: 2492 Habersham Road

Department Division:

Employee involved Disciplinary Action

NATURE OF CLAIM: The claimant alleges that his vehicle was damaged when he drove over an unsecured metal plate in the roadway. The investigation determined that the Atlanta Gas Light Company was working at the location at the time of this incident. The claim has been forwarded to the Atlanta Gas Light Company and the claimant has been advised to pursue his claim with the Atlanta Gas Company.

INVESTIGATION:

Statements: City employee Claimant X Other X Written X 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 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,

[Handwritten signature of Alexis Holmes]

INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

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

Claims Manager: Concur/date 05/15/02

Committee Action: Council Action

RCS# 3776
6/03/02
2:19 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-14; Except 02-R-0974; 02-O-0952

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
B 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-0952

**06/03/02 Council
Meeting**

**ITEMS ADOPTED ON
CONSENT AGENDA**

**ITEMS ADOPTED ON
CONSENT AGENDA**

**ITEMS
ADVERSED
ON CONSENT
AGENDA**

1. 02-O-0726
2. 02-O-0723
3. 02-O-0694
4. 02-O-0854
5. 02-O-0709
6. 02-O-0710
7. 02-O-0711
8. 02-O-0712
9. 02-O-0713
10. 02-O-0714
11. 02-O-0715
12. 02-O-0716
13. 02-O-0717
14. 02-O-0953
15. 02-O-0719
16. 02-O-0720
17. 02-O-0722
18. 02-O-0959
19. 02-O-0962
20. 02-O-0966
21. 02-O-0967
22. 02-O-0730
23. 02-O-0958
24. 02-O-0961
25. 02-R-0894
26. 02-R-0948
27. 02-R-0949
28. 02-R-0905
29. 02-R-0906
30. 02-R-0904
31. 02-R-0954
32. 02-R-0974
33. 02-R-0801

34. 02-R-0892
35. 02-R-0895
36. 02-R-0896
37. 02-R-0897
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39. 02-R-0903
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41. 02-R-0968
42. 02-R-0975
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 79. 02-R-0946
 80. 02-R-0947
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