Entered – 06-04-02- sb
CL 02L0406 - ALEXIS HOLMES

CERTIFIED
JUL 15 2002
ATLANTA CITY COUNCIL PRESIDENT

CLAIM OF: **ALFRED L. HEARD**
2743 Argyle Drive, NW
Atlanta, Georgia 30318

**02- R -1209**

For vehicle damages alleged to have been sustained as a result of driving his vehicle over a pothole in the road on January 28, 2002 at James Jackson Parkway.

THIS ADVERSE REPORT IS APPROVED

BY: _____
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

CERTIFIED
JUL 15 2002
MUNICIPAL CLERK

ADVERSED BY CITY COUNCIL JUL 15 2002

# ADVERSE REPORT

COMM: P. S. L. A.
DATE: 7/9/02
CHAIR
Cleta Winslow
G. T. Martin
Carla Smith

# 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

July 30, 2002

Alfred L. Heard
2743 Arglye Drive, NW
Atlanta, GA 30318

**02-R-1209**

Dear Mr. Heard:

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 July 15, 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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

**cc: Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0L0406 Date: 06/25/02

Claimant /Victim ALFRED L. HEARD
BY: (Atty) _____
Address: 2743 Argyle Drive, NW Atlanta, Georgia
Subrogation: _____ Claim for Property damage $ 364.07 Bodily Injury $ _____
Date of Notice: 05/21/02 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 01/28/02 Place: James Jackson Parkway
Department _____ Division: _____
Employee involved _____ Disciplinary Action _____

**NATURE OF CLAIM**: The claimant alleges that he sustained vehicular damages when he ran over a pothole in the roadway. An investigation determined that the road where the claimant incurred damages is a Georgia State Department of Transportation road, and it is not the responsibility of the City of Atlanta. The claim has been referred to the Georgia State Department of Transportation, and the claimant has been advised to pursue resolution of his damages with the Georgia State Department of Transportation.

**INVESTIGATION:**

Statements: City employee _____ Claimant X Other X Written X Oral _____
Pictures _____ Diagrams X 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,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

**RECOMMENDATION:**

Pay $ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager: _____ Concur/date 06-27-02
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 3893
7/15/02
5:12 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-11; EXCEPT 02-R-1278

ADOPT

| | |
|---|---|
| YEAS: | 13 |
| NAYS: | 0 |
| ABSTENTIONS: | 0 |
| NOT VOTING: | 3 |
| EXCUSED: | 0 |
| ABSENT | 0 |

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

| | | |
|---|---|---|
| 1st Consent I Vote: | 15 Yeas; 0 Nays | (See RCS #3874) |
| Reconsidered | 11 Yeas; 0 Nays | (See RCS #3892) |

CONSENT I

| | | 07/15/02 Council Meeting |
|---|---|---|
| **ITEMS ADOPTED ON CONSENT AGENDA** | **ITEMS ADOPTED ON CONSENT AGENDA** | **ITEMS ADVERSED ON CONSENT AGENDA** |
| 1. 02-O-1255 | 34. 02-R-1229 | 52. 02-R-1197 |
| 2. 02-O-1256 | 35. 02-R-1230 | 53. 02-R-1198 |
| 3. 02-O-1262 | 36. 02-R-1231 | 55. 02-R-1199 |
| 4. 02-O-0969 | 37. 02-R-1252 | 56. 02-R-1200 |
| 5. 02-O-1149 | 38. 02-R-1183 | 57. 02-R-1201 |
| 6. 02-O-1100 | 39. 02-R-1184 | 58. 02-R-1202 |
| 7. 02-O-1175 | 40. 02-R-1185 | 59. 02-R-1203 |
| 8. 02-O-1105 | 41. 02-R-1186 | 60. 02-R-1204 |
| 9. 02-O-1109 | 42. 02-R-1187 | 61. 02-R-1205 |
| 10. 02-O-1110 | 43. 02-R-1188 | 62. 02-R-1206 |
| 11. 02-O-1111 | 44. 02-R-1189 | 63. 02-R-1207 |
| 12. 02-O-1112 | 45. 02-R-1190 | 64. 02-R-1208 |
| 13. 02-O-1113 | 46. 02-R-1191 | 65. 02-R-1209 |
| 14. 02-O-1114 | 47. 02-R-1192 | 66. 02-R-1210 |
| 15. 02-O-1115 | 48. 02-R-1193 | |
| 16. 02-O-1116 | 49. 02-R-1194 | |
| 17. 02-O-1117 | 50. 02-R-1195 | |
| 18. 02-O-1144 | 51. 02-R-1196 | |
| 19. 02-R-0363 | | |
| 20. 02-R-1225 | | |
| 21. 02-R-1249 | | |
| 22. 02-R-1250 | | |
| 23. 02-R-1251 | | |
| 24. 02-R-1263 | | |
| 25. 02-R-1276 | | |
| 26. 02-R-1277 | | |
| 27. 02-R-1214 | | |
| 28. 02-R-1215 | | |
| 29. 02-R-1274 | | |
| 30. 02-R-1211 | | |
| 31. 02-R-1212 | | |
| 32. 02-R-1227 | | |
| 33. 02-R-1228 | | |