

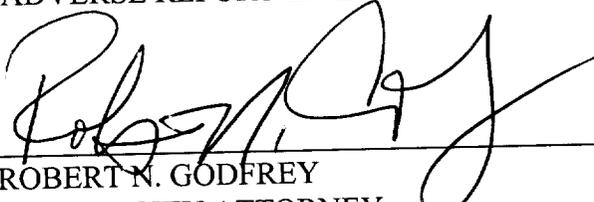
Entered - 02-13-02- sb  
CL 02L0145 - ALEXIS HOLMES

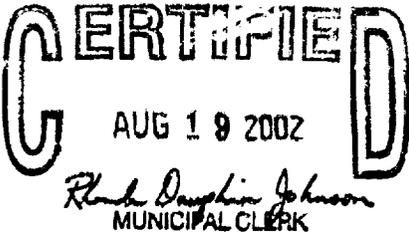
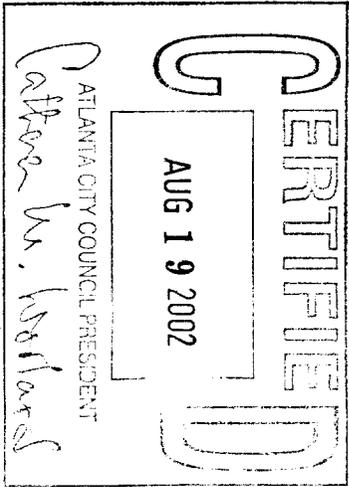
02-R-1307

CLAIM OF: **JOHN R. DAVIS**  
625 Fern Brooks Drive  
Atlanta, Georgia 30331

For vehicle damages alleged to have been sustained as a result of driving his vehicle over an improperly secured construction site in the road on February 3, 2002 at 932 Cascade Road.

THIS ADVERSE REPORT IS APPROVED

BY:   
ROBERT N. GODFREY  
DEPUTY CITY ATTORNEY



ADVERSE REPORT  
CITY COUNCIL AUG 19 2002

**ADVERSE REPORT**

COMM: P.S.L.A.  
DATE: 7/30/02  
CHIEF: Mechain City, Mark  
Natalie - Aclike  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]



## 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

August 20, 2002

John R. Davis  
625 Fern Brooks Drive  
Atlanta, Georgia 30331

02-R-1307

Dear Mr. Davis:

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 August 19, 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. 02L0145

Date: 07/17/02

Claimant /Victim JOHN R. DAVIS

BY: (Atty)

Address: 625 Fern Brooks Drive Atlanta, Georgia 30331

Subrogation: Claim for Property damage \$ 3,220.27 Bodily Injury \$

Date of Notice: 02/08/02 Method: Written, proper X Improper

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

Date of Occurrence 02/03/02 Place: 932 Cascade Road

Department Public Works Division: Infrastructure Planning Division

Employee involved Disciplinary Action

NATURE OF CLAIM: The claimant alleges that he sustained vehicular damages when he ran over a improperly secured construction site in the roadway. An investigation determined that the construction site where the claimant incurred damages is the responsibility of a private contractor, Kemi Construction, and it is not the responsibility of the City of Atlanta. The claim has been referred to Kemi Construction, and the claimant has been advised to pursue resolution of his damages with Kemi Construction.

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: [Signature] Concur/date 071802

Committee Action: Council Action



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08/19/02 Council Meeting

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**ITEMS ADOPTED ON CONSENT  
AGENDA**

**ITEMS ADVERSED  
ON CONSENT AGENDA**

1. 02-O-1181
2. 02-O-1221
3. 02-O-1222
4. 02-O-1282
5. 02-O-1300
6. 02-O-1245
7. 02-O-1293
8. 02-O-1294
9. 02-O-1223
10. 02-O-1220
11. 02-O-1289
12. 02-O-1291
13. 02-O-1273
14. 02-O-1224
15. 02-O-1232
16. 02-O-1233
17. 02-O-1287
18. 02-R-1362
19. 02-R-1283
20. 02-R-1288
21. 02-R-1334
22. 02-R-1279
23. 02-R-1331
24. 02-R-1332
25. 02-R-1333
26. 02-R-1338
27. 02-R-1349
28. 02-R-1350
29. 02-R-1348
30. 02-R-1303
31. 02-R-1304
32. 02-R-1305
33. 02-R-1306

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51. 02-R-1324
52. 02-R-1325
53. 02-R-1326
54. 02-R-1327
55. 02-R-1328
56. 02-R-1329
57. 02-R-1330

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1<sup>st</sup> Consent I Vote: 13Yeas; 0 Nays (See RCS #3910)  
Items Removed from Consent: 02-O-1290; 02-O-1213; 02-R-1345; 02-O-1272