



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

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SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

September 19, 2002

Francis Hart
534 Fulton Street
Apartment 1599
Atlanta, GA 30318

02-R-1504

Dear Ms. Hart:

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 September 16, 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. 00L0414

Date: 03/01/02

Claimant /Victim FRANCES HART
BY: (Atty)
Address: 534 Fulton Street, Apt. 1599 Atlanta, Georgia 30318
Subrogation: Claim for Property damage \$ 8,500.00 Bodily Injury \$
Date of Notice: 6/21/00 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)
Date of Occurrence 10/29/99 Place: Kerry Drive near Perry Homes on Parking Lawn
Department Public Works Division: Sewer Operations
Employee involved Disciplinary Action

NATURE OF CLAIM: The claimant alleges that she sustained personal injuries while walking on the parking lawn on Kerry Drive, and both feet fell into a uncovered water meter hole. However, the claimants failed to meet the notice requirement, when she failed to file their claim in a timely manner as set forth in O.C.G.A. §36-33-5.

INVESTIGATION:

Statements: City employee Claimant Other X Written 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 X
Improper Notice More than Six Months X Other Damages reasonable
City not involved 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 08-29-02
Committee Action: Council Action

RCS# 3984
9/16/02
2:03 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-14; except 02-O-1591; 02-O-1592
 02-R-1589; 02-R-1540; 02-R-1542
 ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

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

CONSENT I

09/16/02 Council Meeting

ITEMS ADOPTED ON CONSENT
AGENDA

ITEMS ADVERSESED
ON CONSENT AGENDA

- | | | |
|---------------|---------------|---------------|
| 1. 02-O-1453 | 43. 02-R-1509 | 45. 02-R-1502 |
| 2. 02-O-1586 | 44. 02-R-1510 | 46. 02-R-1503 |
| 3. 02-O-1496 | | 47. 02-R-1504 |
| 4. 02-O-1389 | | 48. 02-R-1505 |
| 5. 02-O-1390 | | 49. 02-R-1506 |
| 6. 02-O-0791 | | 50. 02-R-1511 |
| 7. 02-O-1258 | | 51. 02-R-1512 |
| 8. 02-O-1298 | | 52. 02-R-1513 |
| 9. 02-O-1391 | | 53. 02-R-1514 |
| 10. 02-O-1395 | | 54. 02-R-1515 |
| 11. 02-O-1450 | | 55. 02-R-1516 |
| 12. 02-R-1535 | | 56. 02-R-1517 |
| 13. 02-R-1541 | | 57. 02-R-1518 |
| 14. 02-R-1546 | | 58. 02-R-1519 |
| 15. 02-R-1526 | | 59. 02-R-1520 |
| 16. 02-R-1527 | | 60. 02-R-1521 |
| 17. 02-R-1528 | | 61. 02-R-1522 |
| 18. 02-R-1529 | | 62. 02-R-1523 |
| 19. 02-R-1530 | | 63. 02-R-1524 |
| 20. 02-R-1531 | | 64. 02-R-1525 |
| 21. 02-R-1532 | | |
| 22. 02-R-1560 | | |
| 23. 02-R-1561 | | |
| 24. 02-R-1615 | | |
| 25. 02-R-1563 | | |
| 26. 02-R-1564 | | |
| 27. 02-R-1565 | | |
| 28. 02-R-1566 | | |
| 29. 02-R-1568 | | |
| 30. 02-R-1569 | | |
| 31. 02-R-1570 | | |
| 32. 02-R-1572 | | |
| 33. 02-R-1573 | | |
| 34. 02-R-1574 | | |
| 35. 02-R-1487 | | |
| 36. 02-R-1533 | | |
| 37. 02-R-1557 | | |
| 38. 02-R-1558 | | |
| 39. 02-R-1559 | | |
| 40. 02-R-1616 | | |
| 41. 02-R-1507 | | |
| 42. 02-R-1508 | | |

Consent I Vote: 14 Yeas; 0 Nays (See RCS #3984)

Items Removed from Consent: 02-O-1591; 02-O-1592; 02-R-1589; 02-O-1540; 02-R-1542

Entered - 07-06-00 - tew
CL 00L0414 - ALEXIS HOLMES

CLAIM OF: **FRANCIS HART**
534 Fulton Street
Apartment 1599
Atlanta, Georgia 303018

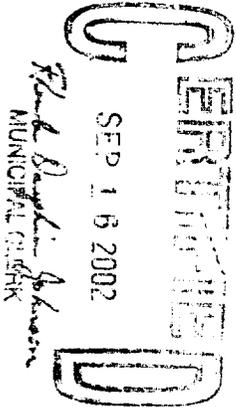
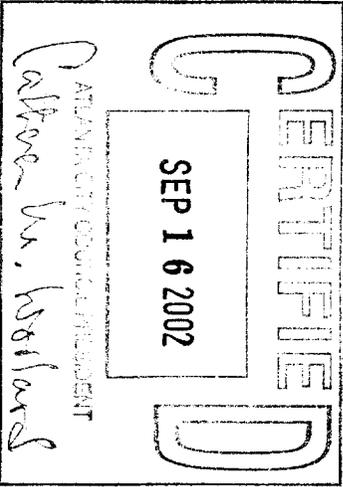
02- R -1504

For bodily injuries due to falling into an uncovered water meter hole
on October 29, 1999 at Kerry Drive near Perry Homes.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CITY COUNCIL SEP 16 2002



ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 9/10/02

CHAIR: _____

Walter...

C.T. M...

...
Carla...
Clara...