

Entered -12-28-00 - sb  
CL 00L0753 - GWENDOLYN BURNS

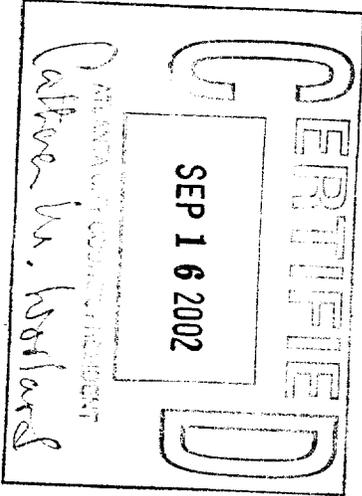
CLAIM OF:

**KIMBERLY SOWERS**  
5408 Wicklander Drive  
Powder Springs, Georgia 30127

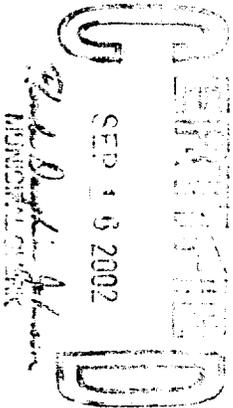
**02-2-1517**

For vehicular damages alleged to have been sustained from a metal plate that was improperly covering a construction cut in the roadway on November 14, 2000 at Mt. Paran Road, NW & Mt. Paran Parkway, NW.

THIS ADVERSED REPORT IS APPROVED



BY: Rosalind R. Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY



ADVERSED BY CITY COUNCIL SEP 16 2002

## ADVERSE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 9/10/02

CHAIR: \_\_\_\_\_

[Signature]

C. T. [Signature]

[Signature]

[Signature]

[Signature]



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

September 19, 2002

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

Kimberly Sowers  
5408 Wicklander Dr.  
Powder Springs, GA 30127

02-R-1517

Dear Ms. Sowers:

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. 00L0753

Date: August 27, 2002

Claimant /Victim KIMBERLY SOWERS
BY: (Atty) (Ins. Co.)
Address: 5408 Wicklander Drive, Powder Springs, Georgia 30127
Subrogation: Claim for Property damage:\$ 184.30 Bodily Injury \$
Date of Notice: 12/8/00 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/14/00 Place: Mt. Paran Road & Mt. Paran Parkway
Department Division
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant sustained vehicular damage when she drove over a metal plate that was improperly covering a construction site in the roadway. However, an investigation determined that United Water Services Atlanta was responsible for the construction at this location. The claim has been resolved by United Water.

INVESTIGATION:

Statements: City employee Claimant Others X Written Oral X
Pictures Diagrams Reports: Police Dept Report Other X
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 X 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,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2P01 2J01 2H01
Claims Manager: Concur/date 08-28-02
Committee Action: Council Action



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**09/16/02 Council Meeting**

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**ITEMS ADOPTED ON CONSENT  
AGENDA****ITEMS ADVERSED  
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 |               |               |

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

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