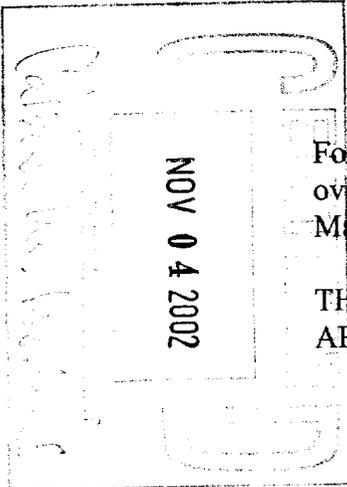


Entered - 11-8-99 sb  
CL 99L0731- GWENDOLYN BURNS

CLAIM OF:

**KEITH POWELL**  
through his attorney,  
**Bruce A. Hagen, Esq.**  
230 Peachtree Street, NE  
Suite 2660  
Atlanta, Georgia 30303

02-R -1821



For bodily injuries alleged to have been sustained from driving over a pothole on September 9, 1999 at Alexander Street, NW and MaCaffee Street, NW.

THIS ADVERSED REPORT IS APPROVED

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

ADVERSED BY  
CITY COUNCIL NOV 04 2002

# ADVERSE REPORT

PUBLIC SAFTEY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 10/29/02

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

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## 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

November 6, 2002

Attorney Bruce A. Hagen, Esq.  
230 Peachtree Street, NE Suite 2660  
Atlanta, Georgia 30303

02-R-1821

RE: Keith Powell

Dear Attorney Hagen:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her 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 client's claim at its regular meeting on November 4, 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.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0731

Date: October 15, 2002

Claimant /Victim KEITH POWELL
BY: (Atty) (Ins. Co.) BRUCE A. HAGAN, ESQ.
Address: 230 Peachtree Street, NW, Suite 2660, Atlanta, Georgia 30303
Subrogation: Claim for Property damage \$ Bodily Injury \$ 1,862.00
Date of Notice: 10/22/99 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 9/9/99 Place: Alexander Street, NW & MaCaffee Street, NW
Department PUBLIC WORKS Division Street
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that he sustained bodily injuries when he drove over a pothole in the roadway. However, an investigation determined that the City did not have notice of a pothole at this location prior to the Claimant's incident.

INVESTIGATION:

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

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2P01 2H01
Claims Manager: Concur/date 10/16/02
Committee Action: Council Action

RCS# 4209  
11/04/02  
6:38 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-10; Except 02-R-1871  
02-R-1885; 02-O-1879  
ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
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
NV Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

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**11/08/02 Council Meeting**

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**ITEMS ADOPTED ON CONSENT  
AGENDA**

1. 02-O-1730
2. 02-O-1733
3. 02-O-1734
4. 02-O-1891
5. 02-O-1537
6. 02-O-1550
7. 02-R-1587
8. 02-R-1893
9. 02-R-1857
10. 02-R-1858
11. 02-R-1883
12. 02-R-1901
13. 02-R-1851
14. 02-R-1852
15. 02-R-1729
16. 02-R-1910
17. 02-R-1846
18. 02-R-1862
19. 02-R-1626
20. 02-R-1855
21. 02-R-1876
22. 02-R-1815
23. 02-R-1816
24. 02-R-1817
25. 02-R-1818
26. 02-R-1819
27. 02-R-1820
28. 02-R-1821
29. 02-R-1822
30. 02-R-1823
31. 02-R-1824
32. 02-R-1825
33. 02-R-1826

**ITEMS ADVERSED  
ON CONSENT AGENDA**

34. 02-R-1827
35. 02-R-1828
36. 02-R-1829
37. 02-R-1830
38. 02-R-1831
39. 02-R-1832
40. 02-R-1833
41. 02-R-1834
42. 02-R-1835
43. 02-R-1836
44. 02-R-1837
45. 02-R-1838
46. 02-R-1839
47. 02-R-1841
48. 02-R-1842
49. 02-R-1843
50. 02-R-1844
51. 02-R-1845

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Consent I Vote:           13 Yeas; 0 Nays           (See RCS #4209)  
Items Removed from Consent: 02-R-1871; 02-R-1885; 02-O-1879  
(Initial Consent Vote Reconsidered; See RCS #4162 & RCS #4208)