Entered - 01-19-01 - sb
CL 01L0053 - GWENDOLYN BURNS

CLAIM OF: EARL C. JOHNSON
2540 Smith Avenue
Marietta, Georgia 30064

02- R -1828

FILED
NOV 04 2002
City Clerk, Atlanta, Georgia

For vehicular damages alleged to have sustained after driving through an open construction site in the road that was left in an unsafe condition on December 9, 2000 at 986 East Ponce de Leon Avenue.

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:

CITY OF ATLANTA
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

Mr. Earl C. Johnson
2540 Smith Avenue
Marietta, Georgia 30064

02-R-1828

Dear Mr. Johnson:

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 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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0053 Date: October 15, 2000

Claimant /Victim **EARL C. JOHNSON**
BY: (Atty) (Ins. Co.) _____
Address: 2540 Smith Avenue, Marietta, Georgia 30064
Subrogation: _____ Claim for Property damage $ 96.90 Bodily Injury $ _____
Date of Notice: 12/28/00 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 12/9/00 Place: 986 Ponce De Leon Avenue, NE
Department _____ Division _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that his vehicle sustained damage when he drove through a construction site that was left and in an unsafe condition. An investigation determined that United Water Services Atlanta was responsible for the road defect. The claim has been resolved by United Water Services Atlanta.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others X Written _____ Oral X
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 _____
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,

INVESTIGATOR GWENDOLYN BURNS

RECOMMENDATION:
Pay $ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2PO1 _____ 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

	11/08/02 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	**ITEMS ADVERSED ON CONSENT AGENDA**
1. 02-O-1730	34. 02-R-1827
2. 02-O-1733	35. 02-R-1828
3. 02-O-1734	36. 02-R-1829
4. 02-O-1891	37. 02-R-1830
5. 02-O-1537	38. 02-R-1831
6. 02-O-1550	39. 02-R-1832
7. 02-R-1587	40. 02-R-1833
8. 02-R-1893	41. 02-R-1834
9. 02-R-1857	42. 02-R-1835
10. 02-R-1858	43. 02-R-1836
11. 02-R-1883	44. 02-R-1837
12. 02-R-1901	45. 02-R-1838
13. 02-R-1851	46. 02-R-1839
14. 02-R-1852	47. 02-R-1841
15. 02-R-1729	48. 02-R-1842
16. 02-R-1910	49. 02-R-1843
17. 02-R-1846	50. 02-R-1844
18. 02-R-1862	51. 02-R-1845
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	

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)