

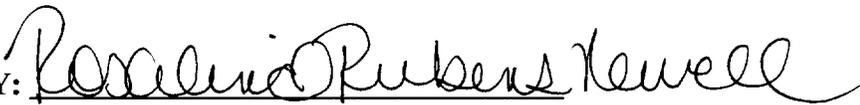
Entered - 02-09-01 - sb
CL 01L0111 - GWENDOLYN BURNS

02-*R*-1844

CLAIM OF: BRIAN MONTEIRO
4157 Northstrand Drive
Decatur, Georgia 30035

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 980 East Ponce de Leon Avenue.

THIS ADVERSED REPORT IS APPROVED

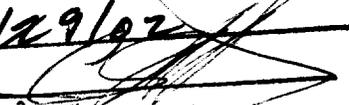
BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

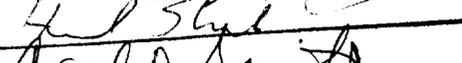
ADVERSED BY
CITY COUNCIL NOV 04 2002

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

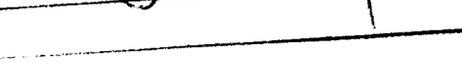
DATE: *10/29/02*

CHAIR: 

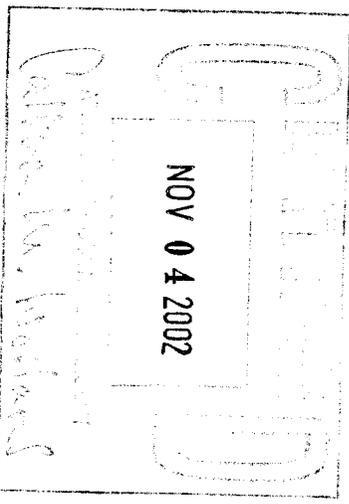














CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK

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

Ms. Brian Monteiro
4157 Northstrand Drive
Decatur, Georgia 30035

02-R-1844

Dear Mr. Monteiro:

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, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0111

Date: October 15, 2000

Claimant /Victim BRIAN MONTEIRO
BY: (Atty) (Ins. Co.)
Address: 4157 Northstrand Drive, Decatur, Georgia 30035
Subrogation: Claim for Property damage \$ 106.84 Bodily Injury \$
Date of Notice: 2/7/01 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: 980 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,

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

11/08/02 Council Meeting

**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

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)