Entered - 9-14-02 - sb
CL 02L0568 - GWENDOLYN BURNS

CLAIM OF: **MARGARET LEE BURGESS**
2071 Defoors Ferry Road, Apt. C
Atlanta, Georgia 30318

02-R-2051

For vehicular damages alleged to have been sustained from a construction cut that was left open and in an unsafe condition on August 14, 2002 at 2290 Bohler Road.

THIS ADVERSED REPORT IS APPROVED

DEC 02 2002

BY: Linda K. DiSantis
LINDA K. DiSANTIS
CITY ATTORNEY

CERTIFIED
DEC 03 2002
MUNICIPAL CLERK

ADVERSED BY CITY COUNCIL DEC 02 2002

ADVERSE REPORT

COMM: Public Safety
DATE: 11-26-02
CHAIR:
Carla Smith

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

December 12, 2002

Margaret Lee Burgess
2071 Defoors Ferry Rd.
Apartment C
Atlanta, GA 30318

02-R-2051

Dear Ms. Burgess:

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 December 2, 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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0568 Date: November 15, 2002

Claimant /Victim **MARGARET LEE BURGESS**
BY: (Atty) (Ins. Co.) _____
Address: 2071 Defoors Ferry Road, Apt. C, Atlanta, Georgia 30318
Subrogation: _____ Claim for Property damage $ 460.18 Bodily Injury $ _____
Date of Notice: 8/23/01 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 8/14/01 Place: 2290 Bohler Road
Department _____ Division _____
Employee involved _____ Disciplinary Action: _____

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

INVESTIGATION:

Statements: City employee _____ Claimant X Others _____ 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,

INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:
Pay $ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2PO1 _____ 2H01 _____
Claims Manager: _____ Concur/date 11-15-02
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 4251
12/02/02
2:31 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-22; Except 02-O-2096;02-R-2094
02-R-2114; 02-R-2118
ADOPT

YEAS:	9
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	7
EXCUSED:	0
ABSENT	0

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

ITEMS ADOPTED ON CONSENT AGENDA

1. 02-O-1925
2. 02-O-1926
3. 02-O-1927
4. 02-O-1928
5. 02-O-1929
6. 02-O-1969
7. 02-O-1976
8. 02-O-2095
9. 02-O-1998
10. 02-O-1892
11. 02-O-1903
12. 02-O-1907
13. 02-O-1139
14. 02-O-1292
15. 02-O-1913
16. 02-O-1930
17. 02-O-2103
18. 02-O-1922
19. 02-O-1923
20. 02-O-2091
21. 02-O-2092
22. 02-O-2105
23. 02-O-1396
24. 02-O-1792
25. 02-O-1914
26. 02-O-1915
27. 02-O-1916
28. 02-O-1917
29. 02-O-1918
30. 02-O-1919
31. 02-O-1920
32. 02-O-1921
33. 02-O-2001
34. 02-O-2097
35. 02-O-2098
36. 02-O-2099
37. 02-O-2100
38. 02-R-1593
39. 02-R-1848
40. 02-R-1849
41. 02-R-1850
42. 02-R-1985
43. 02-R-2003
44. 02-R-2004
45. 02-R-2009
46. 02-R-2010
47. 02-R-2011
48. 02-R-2012
49. 02-R-2013
50. 02-R-2014
51. 02-R-2057
52. 02-R-2058
53. 02-R-2073
54. 02-R-2015
55. 02-R-2059
56. 02-R-1216
57. 02-R-2119
58. 02-R-2123
59. 02-R-2055
60. 02-R-2063
62. 02-R-2104
63. 02-R-2112
64. 02-R-2113
65. 02-R-2115
66. 02-R-2116
67. 02-R-2117
68. 02-R-2125
69. 02-R-2126
70. 02-R-2016
71. 02-R-2017
72. 02-R-2018
73. 02-R-2019
74. 02-R-2022
75. 02-R-2060
76. 02-R-2061
77. 02-R-2062
78. 02-R-2069
79. 02-R-2072
80. 02-R-2074
81. 02-R-2122
82. 02-R-2023
83. 02-R-2064
84. 02-R-2065
85. 02-R-2066
86. 02-R-2070
87. 02-R-2028
88. 02-R-2029
89. 02-R-2030
90. 02-R-2031
91. 02-R-2032
92. 02-R-2033
93. 02-R-2034
94. 02-R-2035
95. 02-R-2036
96. 02-R-2037

ITEMS ADVERSED ON CONSENT AGENDA

97. 02-R-2027
98. 02-R-2038
99. 02-R-2039
100. 02-R-2040
101. 02-R-2041
102. 02-R-2042
103. 02-R-2043
104. 02-R-2044
105. 02-R-2045
106. 02-R-2046
107. 02-R-2047
108. 02-R-2048
109. 02-R-2049
110. 02-R-2050
111. 02-R-2051
112. 02-R-2052
113. 02-R-2053
114. 02-R-2054

Consent I Vote: 9 Yeas; 0 Nays (See RCS #4251)
Items Removed from the Consent Agenda: 02-O-2096; 02-R-2094; 02-R-2114; 02-R-2118