Entered - 09/24/99 - sb
CL99L0622 - DIANNE C. MITCHELL

CLAIM OF: **CHARLENE MYRICK**
**3041 Landrum Drive, SW**
**#12-A**
**Atlanta, Georgia 30311**

**03- R -2047**

DEC 01 2003

For damages alleged to have been sustained as a result of personal injuries due to stepping into an open water meter on July 27, 1999 in the 2500 block of Martin Luther King, Jr. Drive.

THIS ADVERSED REPORT IS APPROVED

BY: _____
**JERRY L. DELOACH**
**DEPUTY CITY ATTORNEY**

CERTIFIED
DEC 01 2003
MUNICIPAL CLERK

DEC 01 2003

# ADVERSE REPORT

PUBLIC SAFTEY &
LEGAL ADMINISTRATION COMMITTEE
DATE: _____
CHAIR: _____
_____
Mary Norwood
_____
_____
C. T. Martin

# 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 9, 2003

Charlene Myrick
3041 Landrum Dr., SW
Apartment 12-A
Atlanta, GA 30311

**03-R-2047**

Dear Ms. Myrick:

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 01, 2003. 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. **99L0622** Date: November 4, 2003

Claimant /Victim **CHARLENE MYRICK**
BY: (Atty)(Ins. Co.)
Address: 3041 Landrum Drive, SW, #12-A, Atlanta, Georgia 30311
Subrogation: _____ Claim for Property damage $_____ Bodily Injury $ **650.38**
Date of Notice: 09/10/99 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 07/27/99 Place: 2500 block of Martin Luther King, Jr. Drive
Department _____ Division: _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges she was injured when she stepped into an open water meter. The claim was forwarded to the City's contractor, United Water Services Atlanta, for investigation and handling. United Water Services has denied claim on the basis that they had no notice of a problem with the meter and that the condition was an open and obvious condition.

**INVESTIGATION:**

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
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 _____ 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 - DIANNE C. MITCHELL**

**RECOMMENDATION:**

Pay $ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____ 2P01 _____
Claims Manager: _____ Concur/date 11/06/03
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 5190
12/01/03
5:15 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I EXCEPT: 1698,1851,1852,1881,
1309,2087,1719,1845,2164,
ADOPT

| | |
|---|---|
| YEAS: | 15 |
| NAYS: | 0 |
| ABSTENTIONS: | 0 |
| NOT VOTING: | 1 |
| EXCUSED: | 0 |
| ABSENT | 0 |

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

CONSENT I

| | | | 12-01-03 Council Meeting |
|---|---|---|---|
| **ITEMS ADOPTED ON CONSENT** | **ITEMS ADOPTED ON CONSENT** | **ITEMS ADVERSED ON CONSENT** | **ITEMS ADVERSED ON CONSENT** |
| 1. 03-O-1875 | 42. 03-R-1830 | 81. 03-R-2030 | 122. 03-R-2071 |
| 2. 03-O-1876 | 43. 03-R-1849 | 82. 03-R-2031 | 123. 03-R-2072 |
| 3. 03-O-1965 | 44. 03-R-2120 | 83. 03-R-2032 | 124. 03-R-2073 |
| 4. 03-O-2153 | 45. 03-R-2121 | 84. 03-R-2033 | 125. 03-R-2074 |
| 5. 03-O-1376 | 46. 03-R-2122 | 85. 03-R-2034 | 126. 03-R-2075 |
| 6. 03-O-1963 | 47. 03-R-2125 | 86. 03-R-2035 | 127. 03-R-2076 |
| 7. 03-O-1841 | 48. 03-R-2160 | 87. 03-R-2036 | 128. 03-R-2077 |
| 8. 03-O-1377 | 49. 03-R-2000 | 88. 03-R-2037 | 129. 03-R-2078 |
| 9. 03-O-1837 | 50. 03-R-2001 | 89. 03-R-2038 | 130. 03-R-2079 |
| 10. 03-O-1880 | 51. 03-R-2002 | 90. 03-R-2039 | 131. 03-R-2080 |
| 11. 03-O-1896 | 52. 03-R-2003 | 91. 03-R-2040 | 132. 03-R-2081 |
| 12. 03-O-1897 | 53. 03-R-2126 | 92. 03-R-2041 | 133. 03-R-2082 |
| 13. 03-O-1898 | 54. 03-R-2127 | 93. 03-R-2042 | 134. 03-R-2083 |
| 14. 03-O-1888 | **Items Adversed on consent** | 94. 03-R-2043 | 135. 03-R-2084 |
| 15. 03-O-2108 | | 95. 03-R-2044 | 136. 03-R-2085 |
| 16. 03-O-2142 | 55. 03-R-2004 | 96. 03-R-2045 | 137. 03-R-2086 |
| 17. 03-O-2143 | 56. 03-R-2005 | 97. 03-R-2046 | 138. 03-R-2087 |
| 18. 03-O-2144 | 57. 03-R-2006 | 98. 03-R-2047 | 139. 03-R-2088 |
| 19. 03-O-1899 | 58. 03-R-2007 | 99. 03-R-2048 | 140. 03-R-2089 |
| 20. 03-O-2146 | 59. 03-R-2008 | 100. 03-R-2049 | 141. 03-R-2090 |
| 21. 03-R-2110 | 60. 03-R-2009 | 101. 03-R-2050 | 142. 03-R-2091 |
| 22. 03-R-2111 | 61. 03-R-2010 | 102. 03-R-2051 | 143. 03-R-2128 |
| 23. 03-R-2112 | 62. 03-R-2011 | 103. 03-R-2052 | 144. 03-R-2129 |
| 24. 03-R-2113 | 63. 03-R-2012 | 104. 03-R-2053 | 145. 03-R-2130 |
| 25. 03-R-2114 | 64. 03-R-2013 | 105. 03-R-2054 | 146. 03-R-2131 |
| 26. 03-R-2115 | 65. 03-R-2014 | 106. 03-R-2055 | 147. 03-R-2132 |
| 27. 03-R-2116 | 66. 03-R-2015 | 107. 03-R-2056 | 148. 03-R-2133 |
| 28. 03-R-2139 | 67. 03-R-2016 | 108. 03-R-2057 | |
| 29. 03-R-2140 | 68. 03-R-2017 | 109. 03-R-2058 | |
| 30. 03-R-2154 | 69. 03-R-2018 | 110. 03-R-2059 | |
| 31. 03-R-2166 | 70. 03-R-2019 | 111. 03-R-2060 | |
| 32. 03-R-2117 | 71. 03-R-2020 | 112. 03-R-2061 | |
| 33. 03-R-2158 | 72. 03-R-2021 | 113. 03-R-2062 | |
| 34. 03-R-2156 | 73. 03-R-2022 | 114. 03-R-2063 | |
| 35. 03-R-2165 | 74. 03-R-2023 | 115. 03-R-2064 | |
| 36. 03-R-2118 | 75. 03-R-2024 | 116. 03-R-2065 | |
| 37. 03-R-2119 | 76. 03-R-2025 | 117. 03-R-2066 | |
| 38. 03-R-2124 | 77. 03-R-2026 | 118. 03-R-2067 | |
| 39. 03-R-2150 | 78. 03-R-2027 | 119. 03-R-2068 | |
| 40. 03-R-2152 | 79. 03-R-2028 | 120. 03-R-2069 | |
| 41. 03-R-2159 | 80. 03-R-2029 | 121. 03-R-2070 | |