

Entered - 08/22/02 - sb
CL 02L0604 - FAYE FIRST

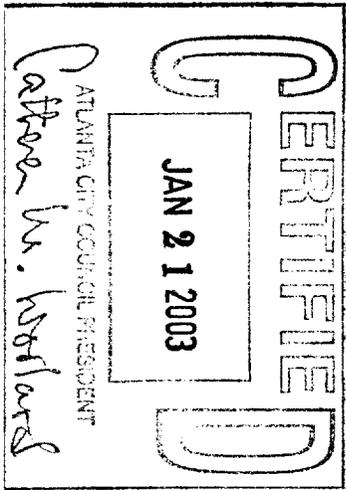
CLAIM OF: **ANDREW R. AUTRY**
3534 Rockhaven Circle
Atlanta, GA 30324

03-R-0015

For damages alleged to have been sustained as a result of a vehicular accident due to an obstruction in the right-of-way at 3552 Rockhaven Circle, N.E. on July 1, 2002.

THIS ADVERSED REPORT IS APPROVED

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



DEPUTY MUNICIPAL CLERK



ADVERSED REPORT
CITY COUNCIL JAN 21 2003

ADVERSED REPORT
COM: *Public Safety*
DATE: *1-14-03*
CHAIR: *[Signature]*
[Signature]
C. T. Martin
[Signature]
[Signature]
[Signature]



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

January 31, 2003

Andrew R. Autry
3534 Rockhaven Circle
Atlanta, GA 30324

03-R-0015

Dear Attorney Autry:

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 January 21, 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, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0604

Date: 12/30/02

Claimant /Victim ANDREW R. AUTRY

BY: (Atty)(Ins. Co.)

Address: 3534 Rockhaven Circle, Atlanta, GA 30324

Subrogation: Claim for Vehicular damage \$ 1317.44 Bodily Injury \$

Date of Notice: 08/19/02 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)

Date of Occurrence 07/01/02 Place: 3552 Rockhaven Circle, N.E., Atlanta, GA

Department Public Works Division: Street Operations

Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant was involved in an automobile accident which he alleges was a result of an obstructed view at the corner of Rockhaven Circle and Roxboro Road. The investigation determined that the City had no notice of any hazardous conditions at this location prior to the claimant's accident. Further, claimant pled guilty in Traffic Court to "Failure to Yield Right-of-Way". Furthermore, the City is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

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

Pictures X Diagrams Reports: Police X Dept Report X Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver Andrew R. Autry

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

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,

Faye First
INVESTIGATOR - FAYE FIRST

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01

Claims Manager: Concur/date 01-03-03

Committee Action: Council Action

RCS# 4404
1/21/03
3:19 PM

Atlanta City Council

Regular Session

CONSENT 1

Pgs. 1-8; Except 03-R-0035; 03-R-0050

ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 0

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

CONSENT 1

1/21/03 FULL COUNCIL MEETING

**Items Adopted on the
Consent Agenda**

1. 02-O-2129
2. 03-O-0040
3. 02-O-2132
4. 02-O-2133
5. 02-O-2128
6. 03-O-0047
7. 03-R-0029
8. 03-R-0030
9. 03-R-0025
10. 03-R-0032
11. 03-R-0036
12. 03-R-0058
13. 03-R-0059
14. 02-R-1137
15. 02-R-1628
16. 02-R-1874
17. 03-R-0031
18. 03-R-0046
19. 02-R-2056
20. 03-R-0001
21. 03-R-0002
22. 03-R-0013
23. 03-R-0014

**Items Adversed on the Consent
Agenda**

24. 03-R-0003
25. 03-R-0004
26. 03-R-0005
27. 03-R-0006
28. 03-R-0007
29. 03-R-0008
30. 03-R-0009
31. 03-R-0010
32. 03-R-0011
33. 03-R-0012
34. 03-R-0015
35. 03-R-0016
36. 03-R-0017
37. 03-R-0018
38. 03-R-0019
39. 03-R-0021
40. 03-R-0022
41. 03-R-0023
42. 03-R-0024

Consent I Vote: 11 Yeas; 0 Nays: (See RCS #4404/Reconsidered; See RCS # 4376
for Initial Vote & RCS #4403 for vote to Reconsider)

Items Removed from the Consent Agenda: 03-R-0035 & 03-R-0050