

Entered -10-22-02 - sb  
CL 02L0763 - GWENDOLYN BURNS

CLAIM OF:

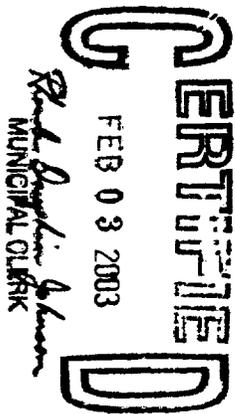
03- R-0099

COOKIE ARNOVITZ FRANK  
272 Camden Road, NE  
Atlanta, Georgia 30309



For vehicular damages alleged to have been sustained from striking a pedestrian island on September 16, 2002 on Peachtree Road, NE @ Lenox Road, NE.

THIS ADVERSED REPORT IS APPROVED



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

ADVERSED BY CITY COUNCIL FEB 03 2003

ADVERSE REPORT

COMM: *Public Safety*

DATE: *1-28-03*

CHAIR: \_\_\_\_\_

*Mary Newell*

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## 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

February 6, 2003

Cookie Arnocitz Frank  
272 Cameden Road, NE  
Atlanta, GA 30309

03-R-0099

Dear Ms. Frank:

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 February 03, 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. 02L0763

Date: January 15, 2003

Claimant /Victim COOKIE ARNOVITZ FRANK
BY: (Atty) (Ins. Co.)
Address: 272 Camden Road, NE, Atlanta, Georgia 30309
Subrogation: Claim for Property damage \$ 204.10 Bodily Injury \$
Date of Notice: 10/22/02 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 9/16/02 Place: Peachtree Road, NE @ Lenox Road, NE
Department Division
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that her vehicle sustained damage when she struck a newly erected pedestrian island that was located at the above referenced intersection. However, Peachtree Road is a State route and any new road structures located on State routes are the sole responsibility of the State of Georgia, Department of Transportation. The claimant has been so advised and her claim has been forwarded to the State of Georgia for resolution.

INVESTIGATION:

Statements: City employee X Claimant 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,
Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2P01 2H01
Claims Manager: Concur/date 01-16-03
Committee Action: Council Action

RCS# 4417  
2/03/03  
2:27 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-7: Except 02-0-2096

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

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**2/03/03 FULL COUNCIL MEETING**

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**Items Adopted on the  
Consent Agenda**

1. 03-O-0033
2. 03-O-0123
3. 03-O-0109
4. 02-O-1038
5. 03-O-0105
6. 03-O-0057
7. 03-O-0111
8. 03-R-0121
9. 03-R-0069
10. 03-R-0070
11. 03-R-0071
12. 03-R-0072
13. 03-R-0073
14. 03-R-0074
15. 03-R-0075
16. 03-R-0076
17. 03-R-0077
18. 03-R-0078
19. 03-R-0079
20. 03-R-0126
21. 03-R-0090

**Items Adversed on the Consent  
Agenda**

22. 03-R-0091
23. 03-R-0092
24. 03-R-0093
25. 03-R-0094
26. 03-R-0095
27. 03-R-0096
28. 03-R-0097
29. 03-R-0098
30. 03-R-0099
31. 03-R-0100

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Consent I Vote: 15Yeas; 0 Nays: (See RCS #4417)  
Item Removed from the Consent Agenda: 02-O-2096