

Entered -10-10-02 - sb
CL 02L0730 - GWENDOLYN BURNS

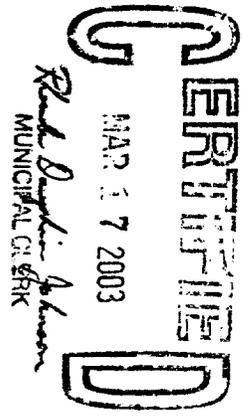
CLAIM OF:

TOM WESLEY
265 Ponce de Leon Avenue, NE
Atlanta, Georgia 30308

03- R-0344

For vehicular damages alleged to have been sustained from driving over a pothole on September 26, 2002 at North Avenue, NE & Peachtree Street, NE.

THIS ADVERSED REPORT IS APPROVED



BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned over the signature line.

ADVERSE REPORT

COMM: Public Safety

DATE: 3/13/03

CHAIR: _____



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

March 26, 2003

Tom Wesley
265 Ponce de Leon Ave., NE
Atlanta, GA 30308

03-R-0344

Dear Mr. Wesley:

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 March 17, 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. 02L0730

Date: February 24, 2003

Claimant /Victim TOM WESLEY

BY: (Atty) (Ins. Co.)

Address: 265 Ponce de Leon Avenue, NE, Atlanta, Georgia 30308

Subrogation: Claim for Property damage \$ 689.00 Bodily Injury \$

Date of Notice: 10/9/02 Method: Written, Proper X Improper

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

Date of Occurrence 9/26/02 Place: North Avenue, NE & Peachtree Street, NE

Department Division

Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that his vehicle sustained damage when he drove over a pothole in the road. However, an investigation determined that the City did not have notice of the street defect prior to claimant's incident.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police Dept Report X Other X

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial X

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,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

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

Claims Manager Concur/date 02-23-03

Committee Action: Council Action

RCS# 4538
3/17/03
2:53 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-11; Except 03-O-0219; 03-O-0323
 03-O-0220; 03-O-0221
 ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

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

CONSENT I

3/17/03 FULL COUNCIL MEETING

**Items Adopted on the
Consent Agenda**

1. 03-O-0408
2. 03-O-0392
3. 03-O-0305
4. 03-O-0380
5. 03-O-0388
6. 03-O-0234
7. 03-O-0228
8. 03-O-0229
9. 03-O-0385
10. 03-O-0386
11. 03-R-0348
12. 03-R-0349
13. 03-R-0351
14. 03-R-0352
15. 03-R-0597
16. 03-R-0353
17. 03-R-0354
18. 03-R-0190
19. 03-R-0346
20. 03-R-0361
21. 03-R-0417
22. 03-R-0356
23. 03-R-0357
24. 03-R-0358
25. 03-R-0370
26. 03-R-0371
27. 03-R-0372
28. 03-R-0373
29. 03-R-0374
30. 03-R-0383
31. 03-R-0387
32. 03-R-0325
33. 03-R-0326
34. 03-R-0327
35. 03-R-0328

**Items Adversed on the Consent
Agenda**

36. 03-R-0329
37. 03-R-0330
38. 03-R-0331
39. 03-R-0332
40. 03-R-0333
41. 03-R-0334
42. 03-R-0335
43. 03-R-0347
44. 03-R-0415
45. 03-R-0336
46. 03-R-0337
47. 03-R-0338
48. 03-R-0339
49. 03-R-0340
50. 03-R-0341
51. 03-R-0342
52. 03-R-0343
53. 03-R-0344
54. 03-R-0345

Consent I Vote: 12Yeas; 0 Nays: (See RCS #4538)

Items Removed from the Consent Agenda: 03-O-0219; 03-O-0323; 03-O-0220; &
03-O-0221