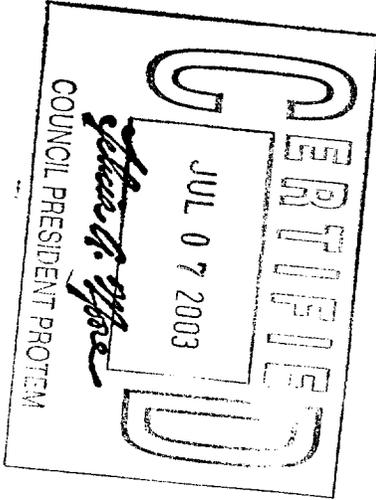


Entered 1-09-03 - sb  
CL 03L0010 GWENDOLYN BURNS

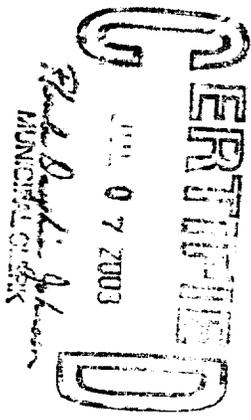
03-R-1009

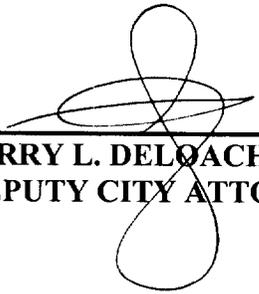
CLAIM OF: **ETTA BATES**  
1779 Wade Avenue, NE  
Atlanta, Georgia 30317



For vehicular damage allegedly sustained from driving over a metal plate that was improperly covering a construction site in September 2002 at 1779 Wade Avenue, NE.

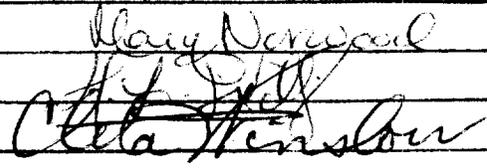
THIS ADVERSED REPORT IS APPROVED



BY:   
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

### ADVERSE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 7/2/03  
CHAIR:   
C. T. Murt  
Mary Norwood  




## 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

July 9, 2003

Etta Bates  
1779 Wade Ave., NE  
Atlanta, GA 30317

03-R-1009

Dear Ms. Bates:

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. 03L0010

Date: June 15, 2003

Claimant /Victim ETTA BATES
BY: (Atty) (Ins. Co.)
Address: 1779 Wade Avenue, NE, Atlanta, Georgia 30317
Subrogation: Claim for Property damage \$ 204.41 Bodily Injury \$
Date of Notice: 1/9/02 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 9/02 Place: 1779 Wade Avenue
Department Division
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that her vehicle sustained damage when she drove over metal plates that were improperly covering a construction site in the roadway. An investigation determined that Atlanta Gas Light Company was responsible for the road defect. The claimant has been so advised and her claim has been forwarded to the Atlanta Gas Light Company for resolution.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report X 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 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 06/17/03
Committee Action: Council Action

RCS# 4853  
7/07/03  
4:05 PM

Atlanta City Council

Regular Session

\*\*\*\*\*

CONS AGEN I Pgs 1 - 14 except:0715,0976  
0852, 0950, 0946, 0963, 0926, 0975  
ADOPT

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

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	B Woolard

\*\*\*\*\*

		7/07/03 Full Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-0850	38. 03-R-0989	49. 03-R-1002
2. 03-O-0949	39. 03-R-0991	50. 03-R-1004
3. 03-O-0955	40. 03-R-0992	51. 03-R-1005
4. 03-O-0909	41. 03-R-0994	52. 03-R-1006
5. 03-O-0961	42. 03-R-0995	53. 03-R-1007
6. 03-O-0553	43. 03-R-0996	54. 03-R-1008
7. 03-O-0925	44. 03-R-0997	55. 03-R-1009
8. 03-R-0981	45. 03-R-0998	56. 03-R-1010
9. 03-R-0956	46. 03-R-0999	57. 03-R-1011
10. 03-R-0965	47. 03-R-1000	58. 03-R-1012
11. 03-R-1033	48. 03-R-1001	59. 03-R-1013
12. 03-R-0920		60. 03-R-1014
13. 03-R-0945		61. 03-R-1015
14. 03-R-0966		62. 03-R-1016
15. 03-R-0967		63. 03-R-1017
16. 03-R-0968		64. 03-R-1018
17. 03-R-0969		65. 03-R-1019
18. 03-R-0977		66. 03-R-1020
19. 03-R-0978		67. 03-R-1021
20. 03-R-0979		68. 03-R-1022
21. 03-R-0889		69. 03-R-1023
22. 03-R-0940		70. 03-R-1024
23. 03-R-0941		71. 03-R-1025
24. 03-R-0942		72. 03-R-1026
25. 03-R-0943		73. 03-R-1027
26. 03-R-0944		74. 03-R-1028
27. 03-R-0962		
28. 03-R-0983		
29. 03-R-0984		
30. 03-R-0985		
31. 03-R-0986		
32. 03-R-0987		
33. 03-R-0988		
34. 03-R-0989		
35. 03-R-0991		
36. 03-R-0992		
37. 03-R-0994		

Consent I Vote: 15 Yeas; 0Nays: (See RCS #4853)

Items Removed from the Consent Agenda: 03-O-0852; 03-O-0926; 03-O-0950; 03-R-0715; 03-R-0946; 03-R-963; 03-R-0975; 03-R-0976