Entered - 02/06/01 - sb
CL01L0091 - DIANNE C. MITCHELL

03-R-1026

CLAIM OF: **HENRY HARPER**
**2816 Horseshoe Drive**
**Atlanta, Georgia 30316**

CERTIFIED
JUL 07 2003
COUNCIL PRESIDENT PROTEM

For damages alleged to have been sustained as a result of vehicular damage due to road construction on December 29, 2000 at Joe Louis Drive and Tiger Flowers Drive.

THIS ADVERSED REPORT IS APPROVED

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

CERTIFIED
JUL 07 2003
MUNICIPAL CLERK

...ASE REPORT
...C SAFTEY &
...GAL ADMINISTRATION COMMITTEE
DATE: 7/1/03
CHAIR: _____
_____
C. T. Martin
Mary Norwood
H. L. Willis
Clela Hanslow

# 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 10, 2003

Henry Harper
2816 Horseshoe Drive
Atlanta, Georgia 30316

**03-R-1026**

Dear Mr. Harper:

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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

**cc: Claims Division/Law Department**

# DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. **01L0091** Date: June 13, 2003

Claimant /Victim **HENRY HARPER**
BY: (Atty.)(Ins. Co.)
Address: 2816 Horseshoe Drive, Atlanta, Georgia 30316
Subrogation: _____ Claim for Property damage $ **1,142.33 -15,740.02** Bodily Injury $ _____
Date of Notice: 01/30/01 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 12/29/00 Place: Joe Louis Drive and Tiger Flowers Drive
Department _____ Bureau: _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges his vehicle was damaged when he drove through a construction site in the roadway. The investigation determined that a contractor working for the City, installing storm sewers, was responsible for the work at this location. The claim has been forwarded to the contractor for handling and the claimant has been advised of this action.

**INVESTIGATION:**

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures X 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 06-16-03
Committee Action: _____ Council Action _____

FORM 23-61

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 Bcazman | 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**