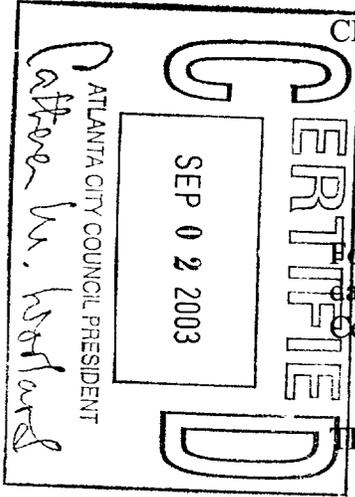


Entered - 05/30/03 - sb
CL03L0394 - DIANNE C. MITCHELL

CLAIM OF: **RUTH C. BAILEY**
1350 Montreat Avenue
Atlanta, Georgia 30310

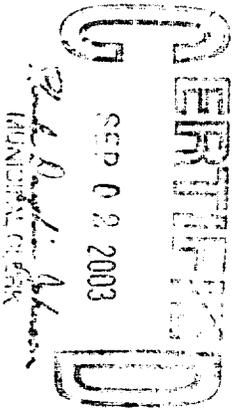
03-*P*-1270



For damages alleged to have been sustained as a result of vehicular damage due to hazard in roadway on April 29, 2003 at Oakland Cemetery.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY



ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 8/26/03

CHAIR: [Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

ADVERSED
SEP 02 2003



CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

September 9, 2003

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

Ruth C. Bailey
1350 Montrea Ave.
Atlanta, GA 30310

03-R-1270

Dear Ms. Bailey:

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 September 02, 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. 03L0394

Date: July 22, 2003

Claimant /Victim RUTH C. BAILEY

BY: (Atty)(Ins. Co.) _____

Address: 1350 Montreat Avenue, Atlanta, Georgia 30310

Subrogation: _____ Claim for Property damage \$ 958.52 Bodily Injury \$ _____

Date of Notice: 05/28/03 Method: Written, proper X Improper _____

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

Date of Occurrence 04/29/03 Place: Oakland Cemetery

Department _____ Division: _____

Employee involved _____ Disciplinary Action: Pending

NATURE OF CLAIM: The claimant alleges that her vehicle was damaged when she drove over a faucet that had been left in the roadway. The investigation determined that individual who left the faucet in the roadway was an employee of the "Oakland Cemetery Foundation" not an employee of the City of Atlanta. The claimant has been advised to pursue her claim against the Foundation.

INVESTIGATION:

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

Pictures _____ Diagrams _____ Reports: Police X 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 _____

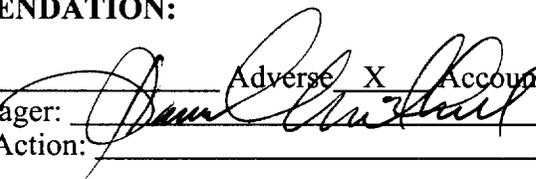
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

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

Claims Manager:  Concur/date 07. 30.03

Committee Action: _____ Council Action _____

RCS# 4975
9/02/03
1:20 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-18, EXCEPT;03-R-1310

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
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 | NV Willis |
| Y Winslow | Y Muller | Y Boazman | NV Woolard |

CONSENT I

| | | 9/02/03 Full Council Meeting |
|-----------------------------|------------------------------|------------------------------|
| ITEMS ADOPTED ON CONSENT | ITEMS ADVERSED ON CONSENT | ITEMS ADVERSED ON CONSENT |
| 1. 03-O-1175 | 44. 03-R-1220 | 81. 03-R-1258 |
| 2. 03-O-1351 | 45. 03-R-1221 | 82. 03-R-1259 |
| 3. 03-O-1166 | 46. 03-R-1222 | 83. 03-R-1260 |
| 4. 03-O-1167 | 47. 03-R-1223 | 84. 03-R-1261 |
| 5. 03-O-1355 | 48. 03-R-1224 | 85. 03-R-1262 |
| 6. 03-O-1203 | 49. 03-R-1225 | 86. 03-R-1263 |
| 7. 03-O-1204 | 50. 03-R-1226 | 87. 03-R-1264 |
| 8. 03-O-1205 | 51. 03-R-1227 | 88. 03-R-1265 |
| 9. 03-O-0827 | 52. 03-R-1228 | 89. 03-R-1266 |
| 10. 03-O-1357 | 53. 03-R-1229 | 90. 03-R-1267 |
| 11. 03-R-1338 | 54. 03-R-1230 | 91. 03-R-1268 |
| 12. 03-R-1312 | 55. 03-R-1231 | 92. 03-R-1269 |
| 13. 03-R-1313 | 56. 03-R-1232 | 93. 03-R-1270 |
| 14. 03-R-1353 | 57. 03-R-1234 | 94. 03-R-1271 |
| 15. 03-R-1202 | 58. 03-R-1235 | 95. 03-R-1272 |
| 16. 03-R-1301 | 59. 03-R-1236 | 96. 03-R-1273 |
| 17. 03-R-1320 | 60. 03-R-1237 | 97. 03-R-1274 |
| 18. 03-R-1321 | 61. 03-R-1238 | 98. 03-R-1275 |
| 19. 03-R-1322 | 62. 03-R-1239 | 99. 03-R-1276 |
| 20. 03-R-1331 | 63. 03-R-1240 | 100. 03-R-1277 |
| 21. 03-R-1332 | 64. 03-R-1241 | 101. 03-R-1278 |
| 22. 03-R-1333 | 65. 03-R-1242 | 102. 03-R-1279 |
| 23. 03-R-1334 | 66. 03-R-1243 | 103. 03-R-1280 |
| 24. 03-R-1314 | 67. 03-R-1244 | 104. 03-R-1281 |
| 25. 03-R-1318 | 68. 03-R-1245 | 105. 03-R-1282 |
| 26. 03-R-1325 | 69. 03-R-1246 | 106. 03-R-1283 |
| 27. 03-R-1327 | 70. 03-R-1247 | 107. 03-R-1284 |
| 28. 03-R-1328 | 71. 03-R-1248 | 108. 03-R-1285 |
| 29. 03-R-1288 | 72. 03-R-1249 | 109. 03-R-1286 |
| 30. 03-R-1289 | 73. 03-R-1250 | 110. 03-R-1287 |
| 31. 03-R-1290 | 74. 03-R-1251 | 111. 03-R-1304 |
| 32. 03-R-1291 | 75. 03-R-1252 | 112. 03-R-1305 |
| 33. 03-R-1292 | 76. 03-R-1253 | 113. 03-R-1306 |
| 34. 03-R-1293 | 77. 03-R-1254 | 114. 03-R-1307 |
| 35. 03-R-1294 | 78. 03-R-1255 | 115. 03-R-1308 |
| 36. 03-R-1295 | 79. 03-R-1256 | |
| 37. 03-R-1296 | 80. 03-R-1257 | |
| 38. 03-R-1297 | | |
| 39. 03-R-1298 | | |
| 40. 03-R-1299 | | |
| 41. 03-R-1300 | | |
| 42. 03-R-1302 | | |
| 43. 03-R-1303 | | |