Entered - 03/17/03 - sb
CL0310186 - DIANNE C. MITCHELL

CLAIM OF: **ONE PEACHTREE BATTLE**
**1117 Peachtree Walk, NE**
**Suite 126**
**Atlanta, Georgia 30309**

**03-R-1272**

CERTIFIED
SEP 02 2003
ATLANTA CITY COUNCIL PRESIDENT

For damages alleged to have been sustained as a result of a vehicular accident on February 24, 2003 at One Peachtree Battle.

THIS ADVERSED REPORT IS APPROVED

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

CERTIFIED
SEP 02 2003
MUNICIPAL CLERK

# ADVERSE REPORT

PUBLIC SAFTEY &
LEGAL ADMINISTRATION COMMITTEE
DATE: 8/26/03
CHAIR:

ADVERSED
SEP 02 2003

# 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

September 9, 2003

One Peachtree Battl
Attn: Emily S. Mooree
1117 Peachtree Walk, NE
Suite 126
Atlanta, GA 30309

**03-R-1272**

Dear Ms. Moore:

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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

**cc: Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. **03L0186** Date: July 21, 2003

Claimant /Victim **ONE PEACHTREE BATTLE**
BY: (Atty)(Ins. Co.)
Address: 1117 Peachtree Walk, NE, Suite 126, Atlanta, Georgia 30309
Subrogation: _____ Claim for Property damage $ **3,375.00** Bodily Injury $ _____
Date of Notice: 03/14/03 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 02/24/03 Place: One Peachtree Battle Avenue
Department **Public Works** Bureau: **Solid Waste Services**
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that its mailbox was damaged by a Solid Waste Services vehicle. However, the claimant, through its agent, has failed to furnish information necessary to substantiate its claim.

**INVESTIGATION:**

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ 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 X
Improper Notice _____ More than Six Months _____ Other _____ 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 X

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 _____

FORM 23-61

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 | | |