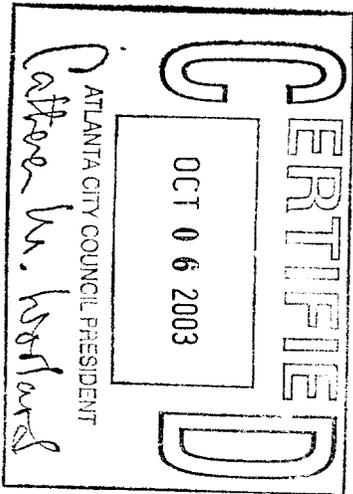


Entered 5-13-02 - sb
CL 02L0346 - GWENDOLYN BURNS

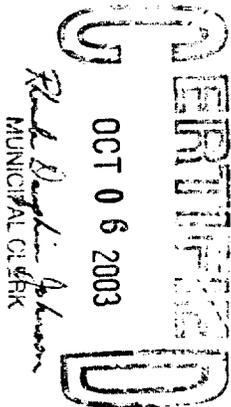
03-R-1555

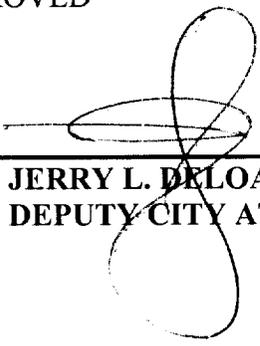


CLAIM OF: PHYLLIS FORTSON
2834 Ashleigh Lane
Alpharetta, Georgia 30004

For vehicular damages alleged to have been sustained from driving over a construction site that was left open and in an unsafe condition on April 10, 2002 at Williams Street & Harris Street.

THIS ADVERSED REPORT IS APPROVED



BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 9/30/03

CHAIR: _____



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

October 17, 2003

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

Phyllis Fortson
2834 Ashleigh Lane
Alpharetta, GA 30004

03-R-1555

Dear Ms. Fortson:

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 October 06, 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. 02L0346

Date: September 15, 2003

Claimant /Victim PHYLLIS FORTSON
BY: (Atty) (Ins. Co.)
Address: 2834 Ashleigh Lane, Alpharetta, Georgia 30004
Subrogation: Claim for Property damage \$ 1,189.33 Bodily Injury \$
Date of Notice: 5/10/02 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 4/10/02 Place: Williams Street & Harris Street
Department Division
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that her vehicle sustained damage when she drove over a construction site that was improperly covered in the roadway. However the claimant elected to resolve the issues of this claim through her insurance company. (See claim #02L0433)

INVESTIGATION:

Statements: City employee Claimant Others Written Oral X
Pictures Diagrams Reports: Police Dept Report Other X
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 Offer rejected Compromise settlement
Repair/replacement by Ins. Co. X 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 09/19/03
Committee Action: Council Action

RCS# 5041
10/06/03
2:05 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-14

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

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

CONSENT I

| 10-06-03 Council Meeting | | |
|-----------------------------|------------------------------|------------------------------|
| ITEMS ADOPTED ON CONSENT | ITEMS ADVERSED ON CONSENT | ITEMS ADVERSED ON CONSENT |
| 1. 03-O-1475 | 37. 03-R-1521 | 71. 03-R-1555 |
| 2. 03-O-1471 | 38. 03-R-1522 | 72. 03-R-1556 |
| 3. 03-O-1438 | 39. 03-R-1523 | 73. 03-R-1557 |
| 4. 03-O-1442 | 40. 03-R-1524 | 74. 03-R-1558 |
| 5. 03-O-1452 | 41. 03-R-1525 | 75. 03-R-1559 |
| 6. 03-O-1380 | 42. 03-R-1526 | 76. 03-R-1560 |
| 7. 03-O-1478 | 43. 03-R-1527 | 77. 03-R-1561 |
| 8. 03-O-1479 | 44. 03-R-1528 | 78. 03-R-1562 |
| 9. 03-O-0953 | 45. 03-R-1529 | 79. 03-R-1563 |
| 10. 03-O-1455 | 46. 03-R-1530 | 80. 03-R-1564 |
| 11. 03-O-1476 | 47. 03-R-1531 | 81. 03-R-1565 |
| 12. 03-O-1481 | 48. 03-R-1532 | 82. 03-R-1566 |
| 13. 03-R-1498 | 49. 03-R-1533 | 83. 03-R-1567 |
| 14. 03-R-1499 | 50. 03-R-1534 | 84. 03-R-1568 |
| 15. 03-R-1582 | 51. 03-R-1535 | 85. 03-R-1569 |
| 16. 03-R-1583 | 52. 03-R-1536 | 86. 03-R-1570 |
| 17. 03-R-1502 | 53. 03-R-1537 | 87. 03-R-1571 |
| 18. 03-R-1503 | 54. 03-R-1538 | 88. 03-R-1572 |
| 19. 03-R-1505 | 55. 03-R-1539 | 89. 03-R-1573 |
| 20. 03-R-1506 | 56. 03-R-1540 | 90. 03-R-1574 |
| 21. 03-R-1507 | 57. 03-R-1541 | 91. 03-R-1575 |
| 22. 03-R-1488 | 58. 03-R-1542 | 92. 03-R-1576 |
| 23. 03-R-1489 | 59. 03-R-1543 | 93. 03-R-1577 |
| 24. 03-R-1490 | 60. 03-R-1544 | 94. 03-R-1578 |
| 25. 03-R-1491 | 61. 03-R-1545 | |
| 26. 03-R-1492 | 62. 03-R-1546 | |
| 27. 03-R-1495 | 63. 03-R-1547 | |
| 28. 03-R-1513 | 64. 03-R-1548 | |
| 29. 03-R-1514 | 65. 03-R-1549 | |
| 30. 03-R-1515 | 66. 03-R-1550 | |
| 31. 03-R-1516 | 67. 03-R-1551 | |
| 32. 03-R-1517 | 68. 03-R-1552 | |
| 33. 03-R-1518 | 69. 03-R-1553 | |
| 34. 03-R-1519 | 70. 03-R-1554 | |
| 35. 03-R-1520 | | |
| 36. 03-R-1579 | | |

Consent I Vote: 13 Yeas; 0Nays: (See RCS #5041)