

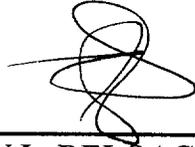
Entered 11-3-03 sb
CL 03L0860 GWENDOLYN BURNS

CLAIM OF: **KENNETH S. BOYD**
806 Northside Drive
Atlanta, Georgia 30318

04- 2 -0833

For damages alleged to have been when a vehicle
drove over a construction site that was left open and
in an unsafe condition on August 18, 2003 at 881
Marietta Street, NW

THIS ADVERSED REPORT IS
APPROVED



BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

CERTIFIED
MAY 17 2004
Rod DeLoach
MUNICIPAL CLERK

CERTIFIED
MAY 17 2004
COUNCIL PRESIDENT PROTREM

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 5/11/04
CHAIR: *J. L. DeLoach*
C. T. Martin

W. Sims
Carla Smith

ADVERSED

MAY 17 2004



CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30303
(404) 330-6033
FAX (404) 658-6273

May 24, 2004

Kenneth S. Boyd
806 Northside Drive
Atlanta, GA 30318

04-R-0833

Dear Mr. Boyd:

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 May 17, 2004. 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. 03L0860

Date: April 27, 2004

Claimant /Victim KENNETH S. BOYD
BY: (Atty) (Ins. Co.)
Address: 806 Northside Drive, Atlanta, Georgia 30018
Subrogation: Claim for Property damage \$ 498.50 Bodily Injury \$
Date of Notice: 10/13/03 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)
Date of Occurrence 8/18/03 Place: 881 Marietta Street, NW
Department Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that he sustained vehicular damages when he drove over a construction site that was left open and in an unsafe condition. However, an investigation determined that the construction work was performed by Atlanta Gas Light Company. The claimant has been so advised and his claim has been forwarded to Atlanta Gas Light Company.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures X 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 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 2PO1 2J01 2H01
Claims Manager: Concur/date 04/29/04
Committee Action: Council Action

RCS# 5712
5/17/04
2:10 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 1-13 EXCEPT:04-R-0876
04-R-0911 04-R-0835 04-R-0882
ADOPT

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

Y Smith
Y Starnes
Y Young

Y Winslow
Y Archibong
Y Fauver

Y Shook
Y Muller
Y Moore

Y Martin
B Maddox
Y Mitchell

Y Norwood
Y Willis

CONSENT I

3-01-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT
1. 04-O-0858	41. 04-R-0813
2. 04-O-0869	42. 04-R-0865
3. 04-O-0372	43. 04-R-0824
4. 04-O-0373	44. 04-R-0825
5. 04-O-0641	45. 04-R-0826
6. 04-O-0642	46. 04-R-0827
7. 04-O-0646	47. 04-R-0828
8. 04-O-0648	ITEMS ADVERSED
9. 04-O-0650	ON CONSENT
10. 04-O-0652	48. 04-R-0829
11. 04-O-0653	49. 04-R-0830
12. 04-O-0656	50. 04-R-0831
13. 04-O-0657	51. 04-R-0832
14. 04-O-0874	52. 04-R-0833
15. 04-O-0488	53. 04-R-0834
16. 04-O-0700	54. 04-R-0836
17. 04-O-0872	55. 04-R-0837
18. 04-O-0660	56. 04-R-0838
19. 04-O-0661	57. 04-R-0839
20. 04-O-0873	58. 04-R-0840
21. 03-R-2228	59. 04-R-0841
22. 04-R-0805	60. 04-R-0842
23. 04-R-0806	61. 04-R-0843
24. 04-R-0808	62. 04-R-0844
25. 04-R-0809	63. 04-R-0845
26. 04-R-0822	64. 04-R-0846
27. 04-R-0859	
28. 04-R-0882	
29. 04-R-0889	
30. 04-R-0369	
31. 04-R-0870	
32. 04-R-0876	
33. 04-R-0815	
34. 04-R-0847	
35. 04-R-0862	
36. 04-R-0863	
37. 04-R-0821	
38. 04-R-0807	
39. 04-R-0811	
40. 04-R-0812	