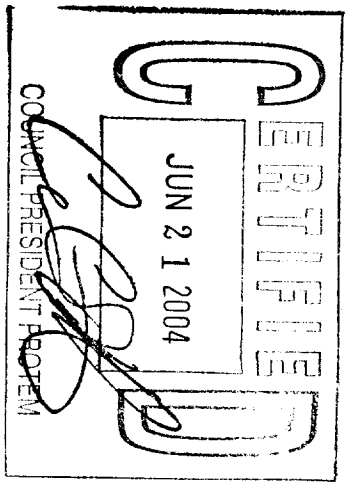
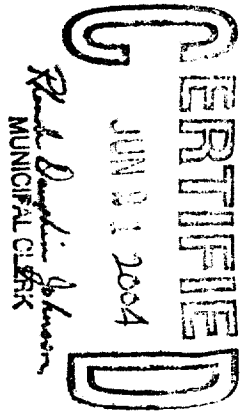
Entered 07-09-03 - sb
**CL 03L0569** - GWENDOLYN BURNS

**04-R -1076**




**CLAIM OF: SEDGWICK CMS,**
**as subrogee of insured,**
**UNISOURCE DIVISION OF**
**GEORGIA POWER**
P.O. Box 190670
Atlanta, Georgia 31119

For vehicular damage allegedly sustained driving over an area in the roadway that was in poor condition on June 13, 2003 on Peachtree Road, NE.




THIS ADVERSED REPORT IS
APPROVED

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

ADVERSED BY
CITY COUNCIL 2004

# 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

June 28, 2004

Sedgwick CMS, as subrogee of insured, Unisource
Division of Georgia Power
Attn: Susan E. Hunter
P. O. Box 190670
Atlanta, Georgia 31119

**04-R-1076**

Dear Ms. Hunter:

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 June 21, 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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

**cc: Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0569 Date: May 27, 2004

Claimant /Victim UNISOURCE DIVISION OF GEORGIA PACIFIC
BY: (Atty) (Ins. Co.) Sedgwick CMS
Address: P.O. Box 190670, Atlanta, Georgia 31119
Subrogation: _____ Claim for Property damage $ unspecified Bodily Injury $ _____
Date of Notice: 7/1/03 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 _____ Ante Litem (6 Mo.) _____
Date of Occurrence 6/13/03 Place: Peachtree Road, NE
Department _____ Division: _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that it sustained vehicular damages when its truck was driven over an area in the roadway that was in poor condition. However, an investigation determined that Peachtree Road, NE is a state route and operated and maintained by the State of Georgia, Department of Transportation. The claimant has been so advised and its claim has been forwarded to the State of Georgia for resolution.

**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,

INVESTIGATOR - GWENDOLYN BURNS

**RECOMMENDATION:**

Pay $ _____ ~~Adverse~~ X Account charged: 1A01 _____ 2PO1 _____ 2J01 _____ 2H01 _____
Claims Manager: _____ Concur/date 06/03/04
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 5810
6/21/04
1:50 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG 1-15 EXCEPT 04-O-1110 -1098
O-1100 O-1109 O-1104 R-1145 R-1144
ADOPT

| | |
|---|---|
| YEAS: | 13 |
| NAYS: | 0 |
| ABSTENTIONS: | 0 |
| NOT VOTING: | 0 |
| EXCUSED: | 0 |
| ABSENT | 2 |

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

| | 6-21-04 Council Meeting |
|---|---|
| **ITEMS ADOPTED ON CONSENT** | **ITEMS ADVERSED ON CONSENT** |
| 1. 04-O-1016 | 41. 04-R-1066 |
| 2. 04-O-1009 | 42. 04-R-1067 |
| 3. 04-O-1117 | 43. 04-R-1068 |
| 4. 04-O-0795 | 44. 04-R-1069 |
| 5. 04-O-0919 | 45. 04-R-1070 |
| 6. 04-O-0914 | 46. 04-R-1071 |
| 7. 04-O-1064 | 47. 04-R-1072 |
| 8. 04-O-1101 | 48. 04-R-1073 |
| 9. 04-O-1118 | 49. 04-R-1074 |
| 10. 04-O-0987 | 50. 04-R-1075 |
| 11. 04-O-0990 | **51.** 04-R-1076 |
| 12. 04-O-1116 | 52. 04-R-1077 |
| 13. 04-O-0662 | 53. 04-R-1078 |
| 14. 04-O-0663 | 54. 04-R-1079 |
| 15. 04-O-0664 | 55. 04-R-1080 |
| 16. 04-O-1018 | 56. 04-R-1081 |
| 17. 04-O-1106 | 57. 04-R-1082 |
| 18. 04-O-1112 | 58. 04-R-1083 |
| 19. 04-O-1113 | 59. 04-R-1084 |
| 20. 04-O-1119 | 60. 04-R-1085 |
| 21. 04-O-0785 | 61. 04-R-1086 |
| 22. 04-O-1007 | 62. 04-R-1087 |
| 23. 04-O-1103 | 63. 04-R-1089 |
| 24. 04-R-1022 | 64. 04-R-1090 |
| 25. 04-R-1043 | 65. 04-R-1091 |
| 26. 04-R-1047 | |
| 27. 04-R-1020 | |
| 28. 04-R-1035 | |
| 29. 04-R-1051 | |
| 30. 04-R-1052 | |
| 31. 04-R-1053 | |
| 32. 04-R-1111 | |
| 33. 04-R-1056 | |
| 34. 04-R-1107 | |
| 35. 04-R-1088 | |
| 36. 04-R-1092 | |
| 37. 04-R-1093 | |
| 38. 04-R-1094 | |
| 39. 04-R-1095 | |
| 40. 04-R-1096 | |