

Entered - 05/21/04 - sb
CL - 04L0329 LISA CARTER

CLAIM OF: J. TRAVIS WALTERS
1175 Lavista Road Apartment 314
Atlanta, Georgia 30324

04-12-1176

For damages alleged to have been sustained as result of a city employee operating a weed eater on May 4, 2004 at 1260 North Avenue.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 6/29/04

CHAIR: H. L. Hill

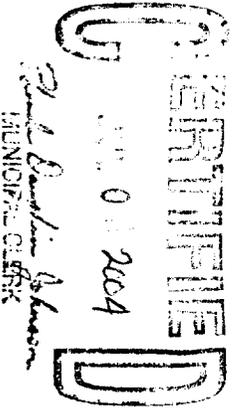
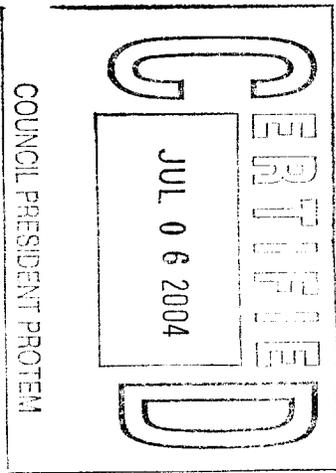
Vernell Mosley

Ray Donwood

C. T. M. W.

H. L. Hill

Carla Smith





OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

July 19, 2004

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

J. Travis Walters
1175 Lavissta Road
Apartment 314
Atlanta, GA 30324

04-R-1176

Dear Mr. Walters:

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 July 06, 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. 04L0329

Date: June 15, 2004

Claimant /Victim J. TRAVIS WALTERS

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

Address: 1175 Lavista Road Apartment 314 Atlanta, Georgia 30324

Subrogation: _____ Claim for Property damage \$ 1,380.32 Bodily Injury \$ _____

Date of Notice: 05/18/04 Method: Written, proper X Improper _____

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

Date of Occurrence 05/04/04 Place: 1260 North Avenue

Department Parks, Recreation and Cultural Affairs Bureau: Parks Division: _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that he sustained damages to his vehicle as a result of a city employee operating a weed eater at 1260 North Avenue. However, the city is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

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

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

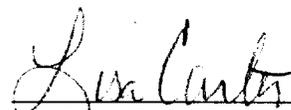
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

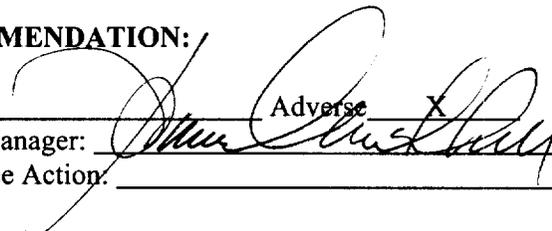
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - LISA CARTER

RECOMMENDATION:

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

Claims Manager:  Concur/date 06/16/04

Committee Action: _____ Council Action _____

RCS# 5880
7/06/04
3:18 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 1-9, EXCEPT:04-R-1187
04-R-1179 04-R-1143 03-O-1690
ADOPT

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

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

CONSENT I

7-06-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1036	34. 04-R-1163
2. 04-O-1037	35. 04-R-1164
3. 04-O-1038	36. 04-R-1165
4. 04-O-1039	37. 04-R-1166
5. 04-O-1040	38. 04-R-1167
6. 04-O-1041	39. 04-R-1168
7. 04-O-1042	40. 04-R-1169
8. 04-O-1196	41. 04-R-1170
9. 04-O-1013	42. 04-R-1171
10. 04-O-1014	43. 04-R-1173
11. 04-O-1050	44. 04-R-1174
12. 04-O-1054	45. 04-R-1175
13. 04-O-1055	46. 04-R-1176
14. 04-O-1058	47. 04-R-1177
15. 04-R-1152	48. 04-R-1179
16. 04-R-1153	49. 04-R-1180
17. 04-R-1158	50. 04-R-1181
18. 04-R-1193	51. 04-R-1182
19. 04-R-1155	52. 04-R-1183
20. 04-R-1149	53. 04-R-1184
21. 04-R-1150	54. 04-R-1185
22. 04-R-1033	55. 04-R-1186
23. 04-R-1146	
24. 04-R-1148	
25. 04-R-1159	
26. 04-R-1160	
27. 04-R-1161	
28. 04-R-1187	
29. 04-R-1188	
30. 04-R-1189	
31. 04-R-1190	
32. 04-R-1191	
33. 04-R-1192	