

Entered - 03/02/04 - sb  
CL - 04L0149 LISA CARTER

04- R -1177

CLAIM OF: THERNELL S. CLARK  
2881 Handy Drive, NW  
Atlanta, Georgia 30318

For damages alleged to have been sustained as a result of striking  
a pothole on December 27, 2003 on James Jackson Parkway.

THIS ADVERSED REPORT IS APPROVED

BY: \_\_\_\_\_

JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

### ADVERSE REPORT

PUBLIC SAFTEY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 6/29/04

CHAIR: H. L. DeLoach

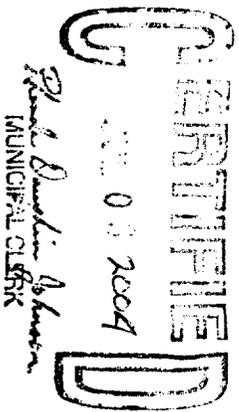
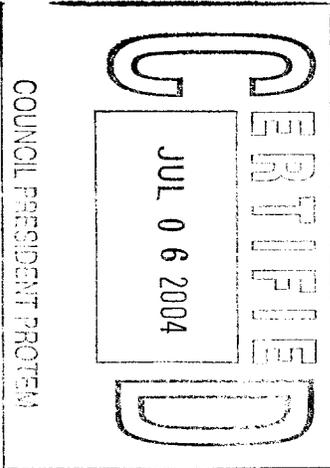
Vivell Monte

Kay Norwood

C. T. [unclear]

[unclear]

Carla Smith





## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

July 20, 2004

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

Thernell S. Clark  
2881 Handy Drive, NW  
Atlanta, GA 30318

04-R-1177

Dear Ms. Clark:

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. 04L0149

Date: June 15, 2004

Claimant /Victim THERNELL S. CLARK

BY: (Atty) (Ins. Co.) \_\_\_\_\_

Address: 2881 Handy Drive, NW Atlanta, Georgia 30318

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 821.00 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 02/23/04 Method: Written, proper X Improper \_\_\_\_\_

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

Date of Occurrence 12/27/03 Place: James Jackson Parkway

Department Public Works Bureau: Highways and Streets Division: \_\_\_\_\_

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges that he sustained vehicular damages as a result of striking a pothole on James Jackson Parkway. An investigation determined that the city was on notice of the existence of the pothole prior to the incident involving the claimant, but failed to make repairs in a timely manner. However, the claimant has withdrawn his claim.

INVESTIGATION:

Statements: City employee X Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral X

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 \_\_\_\_\_ Ministerial X

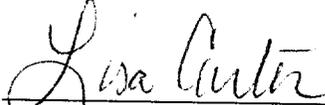
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

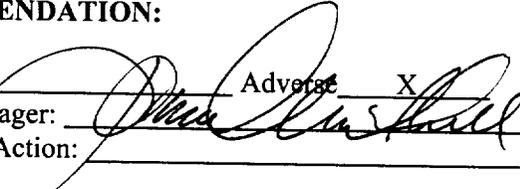
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned X

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

<b>7-06-04 Council Meeting</b>	
<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADVERSED ON CONSENT</b>
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	