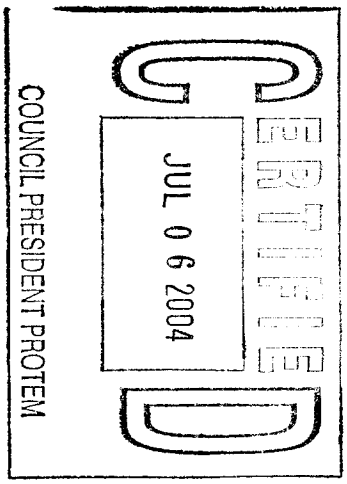
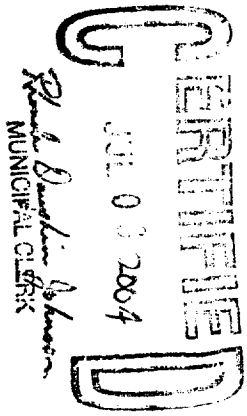


Entered 12-18-02 - sb
CL 02L0915 - GWENDOLYN BURNS

CLAIM OF: TIM COLLINS
2371 North Forest Drive
Marietta, Georgia 30062

04- R -1186

For damages alleged to have been sustained when a vehicle drove over a construction site that was left open and in an unsafe condition on November 8, 2002 at 14th Street, NE & West Peachtree Street, NE.



THIS ADVERSED REPORT IS APPROVED

BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFTEY &
LEGAL ADMINISTRATION COMMITTEE
DATE: 6/29/04
CHAIR: _____
_____
_____
_____
_____
_____

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

July 20, 2004

Tim Collins
2371 North Forest Drive
Marietta, Georgia 30062

04-R-1186

Dear Mr. Collins:

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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0052 Date: June 15, 2004

Claimant /Victim TIM COLLINS
BY: (Atty) (Ins. Co.)
Address: 2371 North Forest Drive, Marietta, Georgia 30062
Subrogation: _____ Claim for Property damage $ 1,284.39 Bodily Injury $ _____
Date of Notice: 12/17/02 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 _____ Ante Litem (6 Mo.) _____
Date of Occurrence 11/8/02 Place: 14th Street & West Peachtree Street, NE
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 an outside contractor. The claimant has been so advised and his claim has been forwarded to the contractor for resolution.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X 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 06/16/04
Committee Action: _____ Council Action _____

FORM 23-61

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

	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	