

OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

April 22, 2004

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

Gloria M. Crafton
149 Dahlgren St., SE
Atlanta, GA 30317

04-R-0552

Dear Ms. Crafton:

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 April 19, 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

RCS# 5585
4/19/04
3:03 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 1-18, EXCEPT:04-R-0538
04-O-0487 04-R-0473
ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

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

CONSENT I

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0139

Date: March 4, 2004

Claimant /Victim GLORIA M. CRAFTON

BY: (Atty) (Ins. Carrier)

Address: 149 Dahlgren Street, SSE, Atlanta, Georgia 30317

Subrogation: Claim for Property damage \$ 691.18 Bodily Injury \$

Date of Notice: 02/25/03 Method: Written, proper X Improper

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

Date of Occurrence 01/03/03 Place: Memorial Drive between Whitefoord Avenue and Dahlgren Street

Department Public Works Division: Transportation

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges her vehicle was damaged when an over-head lane use sign fell. The investigation determined that the City had no notice of any problems related to the sign prior to the incident involving the claimant. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee Claimant Others Written 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,

[Handwritten signature of Dianne C. Mitchell]

INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01

Claims Manager: [Handwritten signature] Concur/date 03/17/04

Committee Action: Council Action

11affin+1kaw
RECEIVED FEB 25 2003 *Mokul*
02/25/03

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES
Today's Date: 2-18-03 *DM*

Dear Municipal Clerk:

ENTERED - 2-26-03 - SB
03L0139 - DIANNE MITCHELL

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ _____ property and/or \$ _____ bodily injury for which I contend the City is liable.

- Date of incident: Jan. 3 2003 (month/day/year) 2. Time of Incident: 3:00pm to 4:00pm 3. Police called: Yes No
- Location of incident (including street address): West on Memorial Dr. between Whiteford Ave. & Wahlgren St.
- Name of your insurance company: State Farm Ins. Policy No. 189704804110
- State what and how incident occurred: A sign above the lane fell down on top of my van. I was on Memorial Dr headed west between Whiteford Ave and Wahlgren St. The sign fell down and hit top of my van, broke Luggage Rack, front & back. The front was broken into & the back was broken from its bed with pieces of metal on driver side.
- ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
- The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).
Your vehicle: Nissan Quest (Make) 1995 (Year) 938XYE (Tag Number) Gloria M. Crafton (Driver's Name)
City vehicle: N/A (Make) _____ (City Driver's Name) _____ (Department/Bureau)
- Witness: None (Name) _____ (Address) _____ (Telephone Number)
- The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
- Claims must be received within 6 months of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Gloria M. Crafton
Signature of Claimant

Gloria M. Crafton
(Print Claimant's Name)
149 Dahlgren St. S.E.
(Address)
Atlanta, Georgia 30317
(City, State and Zip Code)
404-331-1600 404-523-0703
(Work Number) (Home Number)

04-R -0552

CERTIFIED
APR 19 2004
COUNCIL PRESIDENT PROTEM

Entered - 02/26/03 - sb
CL03L0139 - DIANNE C. MITCHELL

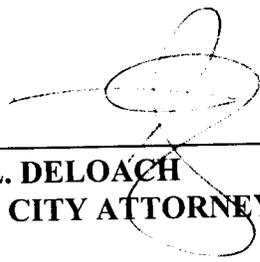
CLAIM OF: **GLORIA M. CRAFTON**
149 Dahlgren Street, SE
Atlanta, Georgia 30317

04-*R*-0552

For damages alleged to have been sustained as a result of vehicular damage on January 3, 2003 at Memorial Drive between Whiteford Avenue and Dahlgren Street.

THIS ADVERSED REPORT IS APPROVED

CERTIFIED
APR 19 2004
Renee Davidson Johnson
MUNICIPAL CLERK

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 3/30/04
CHAIR: [Signature]

[Signature]
[Signature]
[Signature]

[Signature]

ADVERSED
APR 19 2004