

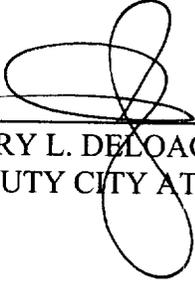
Entered - 03/24/04- sb
CL - 04L0193 LISA CARTER

CLAIM OF: ROBERT BROOKS
3900 Memorial Drive
Decatur, Georgia 30092

04-R-0837

For damages alleged to have been sustained as a result of striking an uncovered manhole on February 27, 2004 at Memorial Drive, SE and Daniel Street, SE.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

CERTIFIED
MAY 17 2004
R. L. DeLoach
MUNICIPAL CLERK

CERTIFIED
MAY 17 2004
[Signature]
COUNCIL PRESIDENT PROTÉM

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

ADVERSED

MAY 17 2004

DATE: 5/11/04
CHAIR: *[Signature]*
C. T. Martin
[Signature]
Carla Smith



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

May 24, 2004

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

Robert Brooks
3900 Memorial Drive
Decatur, GA 30092

04-R-0837

Dear Mr. Brooks:

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 May 17, 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. 04L0193

Date: April 27, 2003

Claimant /Victim ROBERT BROOKS

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

Address: 3900 Memorial Drive Apartment C Decatur, Georgia 30092

Subrogation: _____ Claim for Property damage \$ 250.00 Bodily Injury \$ _____

Date of Notice: 03/24/04 Method: Written, proper Improper _____

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

Date of Occurrence 02/27/04 Place: Memorial Drive, SE and Daniel Street, SE

Department Watershed Management Bureau: _____ Division: Sewer Operations

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that his vehicle was damaged as a result of striking an uncovered manhole at Memorial Drive, SE and Daniel Street, SE. However, the city was not on notice of the existence of the problem prior to the incident involving the claimant. Furthermore, 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 Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial _____

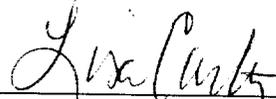
Improper Notice _____ More than Six Months _____ Other Damages reasonable _____

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 Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager: [Signature] Concur/date 04/28/04

Committee Action: _____ Council Action _____

RCS# 5712
5/17/04
2:10 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 1-13 EXCEPT:04-R-0876
04-R-0911 04-R-0835 04-R-0882
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 0
EXCUSED: 0
ABSENT 1

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

CONSENT I

3-01-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT
1. 04-O-0858	41. 04-R-0813
2. 04-O-0869	42. 04-R-0865
3. 04-O-0372	43. 04-R-0824
4. 04-O-0373	44. 04-R-0825
5. 04-O-0641	45. 04-R-0826
6. 04-O-0642	46. 04-R-0827
7. 04-O-0646	47. 04-R-0828
8. 04-O-0648	ITEMS ADVERSED ON CONSENT
9. 04-O-0650	48. 04-R-0829
10. 04-O-0652	49. 04-R-0830
11. 04-O-0653	50. 04-R-0831
12. 04-O-0656	51. 04-R-0832
13. 04-O-0657	52. 04-R-0833
14. 04-O-0874	53. 04-R-0834
15. 04-O-0488	54. 04-R-0836
16. 04-O-0700	55. 04-R-0837
17. 04-O-0872	56. 04-R-0838
18. 04-O-0660	57. 04-R-0839
19. 04-O-0661	58. 04-R-0840
20. 04-O-0873	59. 04-R-0841
21. 03-R-2228	60. 04-R-0842
22. 04-R-0805	61. 04-R-0843
23. 04-R-0806	62. 04-R-0844
24. 04-R-0808	63. 04-R-0845
25. 04-R-0809	64. 04-R-0846
26. 04-R-0822	
27. 04-R-0859	
28. 04-R-0882	
29. 04-R-0889	
30. 04-R-0369	
31. 04-R-0870	
32. 04-R-0876	
33. 04-R-0815	
34. 04-R-0847	
35. 04-R-0862	
36. 04-R-0863	
37. 04-R-0821	
38. 04-R-0807	
39. 04-R-0811	
40. 04-R-0812	