

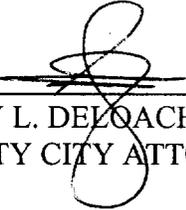
Entered - 10/03/03 - sb
CL - 03L0798 LISA CARTER

CLAIM OF: KENNETH WATKINS
1347 Beecher Street, SW
Apartment C
Atlanta, Georgia 30310

04-R-0014

For damages alleged to have been sustained as a result of striking a traffic island on September 15, 2003 at Lucile Avenue and Oak Street.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSED
JAN 20 2004

JAN 20 2004

CERTIFIED
JAN 20 2004

Rita D. Simpson
MUNICIPAL CLERK

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: _____

CHAIR: *A. G. Smith*

Carla T. Martin

Harold Smith

Carla Smith



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

January 28, 2004

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

Kenneth Watkins
1347 Beecher St., SW
Apartment C
Atlanta, GA 30310

04-R-0014

Dear Mr. Watkins:

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 January 20, 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. 03L0798

Date: January 2, 2004

Claimant /Victim KENNETH WATKINS
BY: (Atty) (Ins. Co.)
Address: 1347 Beecher Street, SW Apartment C Atlanta, Georgia 30310
Subrogation: Claim for Property damage \$ 1,500.00 Bodily Injury \$
Date of Notice: 09/29/03 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 09/15/03 Place: Lucile Avenue and Oak Street
Department Public Works Bureau: Traffic and Transportation Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that he sustained damages as a result of striking a traffic island at Lucile Avenue and Oak Streets. However, the city was not on notice of the existence of any problems at this location 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 X 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 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 Lisa Carter]

INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: [Signature] Concur/date 12/30/03
Committee Action: Council Action

RCS# 5345
1/20/04
1:36 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-7 EXCEPT: 03-O-1954
03-O-2109
ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 3

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

CONSENT I

| 1-20-4 Council Meeting | |
|-------------------------------------|--------------------------------------|
| ITEMS ADOPTED ON CONSENT | ITEMS ADVERSED ON CONSENT |
| 1. 04-O-0050 | 22. 04-R-0007 |
| 2. 04-O-0042 | 23. 04-R-0008 |
| 3. 03-O-2170 | 24. 04-R-0009 |
| 4. 03-O-1185 | 25. 04-R-0010 |
| 5. 03-O-2179 | 26. 04-R-0011 |
| 6. 03-O-0318 | 27. 04-R-0012 |
| 7. 04-R-0046 | 28. 04-R-0013 |
| 8. 04-R-0054 | 29. 04-R-0014 |
| 9. 04-R-0063 | 30. 04-R-0015 |
| 10. 04-R-0064 | 31. 04-R-0016 |
| 11. 04-R-0065 | 32. 04-R-0017 |
| 12. 03-R-0034 | 33. 04-R-0018 |
| 13. 03-R-2216 | 34. 04-R-0019 |
| 14. 04-R-0036 | 35. 04-R-0020 |
| 15. 04-R-0038 | 36. 04-R-0021 |
| 16. 04-R-0001 | 37. 04-R-0022 |
| 17. 04-R-0002 | 38. 04-R-0023 |
| 18. 04-R-0003 | 39. 04-R-0024 |
| 19. 04-R-0004 | 40. 04-R-0025 |
| 20. 04-R-0005 | 41. 04-R-0026 |
| 21. 04-R-0006 | 42. 04-R-0027 |
| | 43. 04-R-0028 |
| | 44. 04-R-0029 |