

Entered 8-14-03 - sb  
CL 03L0661 GWENDOLYN BURNS

CLAIM OF: WHITMELL H. RANDOLPH  
683 Cumberland Road  
Atlanta, Georgia 30306

04-*R*-0019

For vehicular damages alleged to have been sustained from driving over a construction site that was left in an unsafe manner on July 3, 2003 at 1447 Piedmont Avenue, #1.

JAN 20 2004

THIS ADVERSED REPORT IS APPROVED

BY: \_\_\_\_\_  
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

ADVERSED

JAN 20 2004

**CERTIFIED**  
JAN 20 2004  
*Whitnell H. Randolph*  
MUNICIPAL CLERK

**ADVERSE REPORT**

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 1/13/05

CHAIR: \_\_\_\_\_  
*[Signature]*

\_\_\_\_\_  
*Carl T. Minter*

\_\_\_\_\_  
*April 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

Whitmell H. Randolph  
683 Cumberland Road  
Atlanta, GA 30306

04-R-0019

Dear Mr. Randolph:

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. 03L0661

Date: December 30, 2003

Claimant /Victim WHITMELL H. RANDOLPH
BY: (Atty) (Ins. Co.)
Address: 683 Cumberland Road, Atlanta, Georgia 30306
Subrogation: Claim for Property damage \$ 1,450.05 Bodily Injury \$
Date of Notice: 8/12/03 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 7/3/03 Place: 1447 Piedmont Avenue
Department Division
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that his vehicle sustained damage when he drove over an improperly covered construction site in the roadway. An investigation determined that Atlanta Gas Light Company was responsible for the road defect. The claimant has been so advised and his claim has been forwarded to Atlanta Gas Light Company for resolution.

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 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,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

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

<b>1-20-4 Council Meeting</b>	
<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADVERSED ON CONSENT</b>
<ol style="list-style-type: none"> <li>1. 04-O-0050</li> <li>2. 04-O-0042</li> <li>3. 03-O-2170</li> <li>4. 03-O-1185</li> <li>5. 03-O-2179</li> <li>6. 03-O-0318</li> <li>7. 04-R-0046</li> <li>8. 04-R-0054</li> <li>9. 04-R-0063</li> <li>10. 04-R-0064</li> <li>11. 04-R-0065</li> <li>12. 03-R-0034</li> <li>13. 03-R-2216</li> <li>14. 04-R-0036</li> <li>15. 04-R-0038</li> <li>16. 04-R-0001</li> <li>17. 04-R-0002</li> <li>18. 04-R-0003</li> <li>19. 04-R-0004</li> <li>20. 04-R-0005</li> <li>21. 04-R-0006</li> </ol>	<ol style="list-style-type: none"> <li>22. 04-R-0007</li> <li>23. 04-R-0008</li> <li>24. 04-R-0009</li> <li>25. 04-R-0010</li> <li>26. 04-R-0011</li> <li>27. 04-R-0012</li> <li>28. 04-R-0013</li> <li>29. 04-R-0014</li> <li>30. 04-R-0015</li> <li>31. 04-R-0016</li> <li>32. 04-R-0017</li> <li>33. 04-R-0018</li> <li>34. 04-R-0019</li> <li>35. 04-R-0020</li> <li><b>36.</b> 04-R-0021</li> <li>37. 04-R-0022</li> <li>38. 04-R-0023</li> <li>39. 04-R-0024</li> <li>40. 04-R-0025</li> <li>41. 04-R-0026</li> <li>42. 04-R-0027</li> <li>43. 04-R-0028</li> <li>44. 04-R-0029</li> </ol>