



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

Enterprise Reint-A-Car
Attn: Jim Childs
585 Molly Lane
Woodstock, GA 30189

04-R-0554

Dear Mr. Childs:

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

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0033

Date: March 16, 2004

Claimant /Victim ENTERPRISE RENT-A-CAR
BY: (Atty) (Ins. Co.)
Address: 585 Molly Lane, Woodstock, Georgia 30189
Subrogation: Claim for Property damage \$ 436.00 Bodily Injury \$
Date of Notice: 1/8/04 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 12/5/03 Place: 3500 Peachtree Road, NE
Department Division
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that its vehicle sustained damage when it was driven over a deteriorated storm sewer grate in the road. However, Peachtree Road, NE is a state route and maintained by the State of Georgia, DOT. The claimant has been so advised and the claim has been forwarded to the State for resolution.

INVESTIGATION:

Statements: City employee Claimant X Others X Written Oral X
Pictures Diagrams Reports: Police Dept Report 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. X 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 03/17/04
Committee Action: Council Action



585 Molly Lane
 Woodstock, GA 30189
 678-260-2020
 678-260-2021 Fax

ENTERED - 1-13-04 - SB
 04L0033 - GWEN BURNS

January 8, 2004

City of Atlanta
 Attn: Gwen Burns

Our Claim Number: DX0303CN3
 Date of Loss: 12/5/03

Dear Ms. Burns:

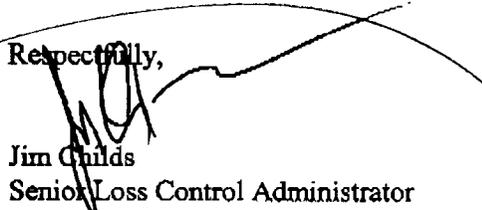
We have been notified of an incident/accident an authorized driver had with our vehicle. At this time our investigation indicates the City of Atlanta is responsible, and we are pursuing you for reimbursement of this loss. Your prompt attention is appreciated.

Below is an itemized list of our losses and attached you will find all the supporting documents.

Itemized Bill #:	Damages	\$436.66	
CT: 84052	Tow/Storage	\$	
	Admin Fees	\$50.00	
	Loss of use	\$21.99	\$21.99 per day X 001day(s)
	Diminished Value	\$43.66	
	Other	\$	Description: Less carriers payment
	Other	\$	Description:
	TOTAL DUE	\$552.31	

Payment is due upon receipt of this letter. Please mail your remittance to the address listed above with reference to our claim number on your draft. Should you have any questions regarding the above, feel free to contact me at jim.childs@erac.com or 678-260-2055.

Respectfully,


 Jim Childs
 Senior Loss Control Administrator

Any settlement made regarding the above claim is not to be construed as an admission of liability on the part of Enterprise and that any agreement is made solely as an expression of goodwill and is in the interest of good consumer relations.

04-R-0554

COUNCIL PRESIDENT PROBLEM

CERTIFIED
APR 19 2004

Entered -01-13-04 - sb
CL 04L0033 - GWENDOLYN BURNS

CLAIM OF: ENTERPRISE RENT-A-CAR
585 Molly Lane
Woodstock, Georgia 30189

04-R-0554

For damages alleged to have been sustained when a vehicle drove over a deteriorated storm sewer grate in the road on December 5, 2003 at 3500 Peachtree Road, NE.

THIS ADVERSED REPORT IS APPROVED

CERTIFIED
APR 19 2004
Renee Davidson
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]

APR 19 2004