



RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK



## OFFICE OF MUNICIPAL CLERK

April 29, 2004

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

H. Wayne Sweat  
P.O. Box 714  
Grayson, GA 30017

04-R-0594

Dear Mr. Sweat:

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. 01L0052

Date: March 18, 2004

Claimant /Victim H. WAYNE SWEAT

BY: (Atty) (Ins. Co.)

Address: P.O. Box 714, Grayson, Georgia 30017

Subrogation: Claim for Property damage \$ 430.53 Bodily Injury \$

Date of Notice: 1/8/01 Method: Written, Proper X Improper

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

Date of Occurrence 12/9/00 Place: 986 Ponce de Leon Avenue, NE

Department Division

Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that his vehicle sustained damage when he drove over a water construction metal plate that was improperly covering a construction site. An investigation determined that United Water Services Atlanta, Inc. is responsible for the road defect and has now resolved the claim.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

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. 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 03/18/04

Committee Action: Council Action

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

BURNS  
01/18/01  
RE: CLAIM FOR DAMAGES  
Today's Date: 12-27-00

Dear Municipal Clerk:

ENTERED - 1-19-01 - SB  
01L0052 - GWEN BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 430.53 property and/or \$ NONE bodily injury for which I contend the City is liable.

1. Date of incident: 12-9-00 (month/day/ year) 2. Time of Incident: 7:00 PM 3. Police called:  Yes  No

4. Location of incident (including street address): 986 PENCE DE LEON AVE.

5. Name of your insurance company: TRAVELERS - CHARTER OAK Policy No. 92 1578667 101-1  
AGENT # 067783

6. State what and how incident occurred: SEE ATTACHED

7. 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!

8. 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: BUICK PARK AVENUE - 1999 - 238-FMG - WAYNE SWEAT  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: \_\_\_\_\_  
(Name) (Address) (Telephone Number)

10. 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).

11. This claim should be mailed immediately to the address shown above.

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

H. Wayne Sweat  
Signature of Claimant

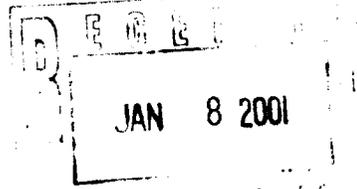
12-27-00

H. WAYNE SWEAT  
(Print Claimant's Name)

P. O. Box 714  
(Address)

GRAYSON GA, 30017  
(City, State and Zip Code)

770-207-0670  
(Work Number) (Home Number)



TRAVELING WEST ON PONCE DE LEON AVE.  
WE HIT A LARGE HOLE IN THE STREET  
THAT WAS PARTIALLY COVERED WITH A  
METAL PLATE. THE CORNER OF THE  
METAL PLATE PUNCTURED BOTH TIRES  
ON THE LEFT SIDE OF THE CAR

WE COULD NOT CHANGE BOTH  
TIRES (ONLY ONE SPARE) SO WE HAD  
TO HAVE THE CAR TOWED TO PEP BOYS  
IN DECATUR (THEY STAYED OPEN  
LATE AND WAITED FOR US) WE HAD  
TO BUY TWO NEW TIRES THAT DO NOT  
MATCH THE SET WE HAD JUST HAD  
PUT ON THE CAR. THEY WERE ALSO  
NOT VERY GOOD TIRES BUT WHAT PEP  
BOYS HAD IN STOCK.

### DAMAGE:

2 NEW TIRES THAT WERE RECENTLY  
PURCHASED FROM BIG 10 TIRES:

SEE ATTACHED - - - -

2 WHEEL BALANCE	169.98
2 SCRAP TIRE DISPOSAL	21.98
2 DISPOSAL TAX	3.00
ALIGNMENT	2.00

54.99  
\$251.95

2 NEW TIRES (PEP BOYS  
DO NOT MATCH) BILL ATTACHED 128.58

TOW CHARGE - BILL ATTACHED 50.00

178.58  
\$430.53

04-R -0594

Entered 1-19-01 - sb  
CL 01L0052 - GWENDOLYN BURNS

CLAIM OF: H. WAYNE SWEAT  
P.O. Box 714  
Grayson, Georgia 30017

04-R-0594

For vehicular damage allegedly sustained after driving over a water construction metal plate that was improperly covering a construction site on December 9, 2000 at 986 Ponce de Leon Avenue, NE.

THIS ADVERSED REPORT IS APPROVED

BY:   
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

CERTIFIED  
APR 19 2001  
COUNCIL PRESIDENT PROTEM

CERTIFIED  
APR 19 2001  
Municipal Clerk  
*Renee Davidson Johnson*

### ADVERSE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 3/30/04

CHAIR: *[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

ADVERSED

APR 19 2004