

Entered - 03/09/04- sb
CL - 04L0168 LISA CARTER

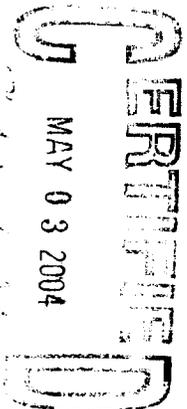
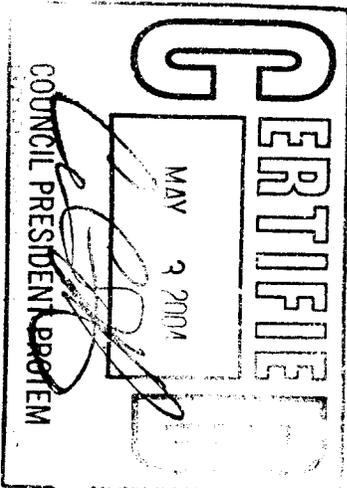
CLAIM OF: KANDISSE TATE
605 JenMarie Drive, SW
Mableton, Georgia 30126

04-R -0692

For damages alleged to have been sustained as a result of striking a sewer manhole on January 14, 2004 at Donald Lee Hollowell Parkway, NW and Maynard Road, NW.

THIS ADVERSED REPORT IS APPROVED

BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY



ADVERSE REPORT

ADVERSED
MAY 03 2004

LEADER COMMITTEE
DATE: 4/27/04
CHAIR: [Signature]
[Signature]
[Signature]
[Signature]



CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

May 12, 2004

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30303
(404) 330-6033
FAX (404) 658-6273

Kandisse Tate
605 JenMarie Dr., SW
Mableton, GA 30126

04-R-0692

Dear Ms. Tate:

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 December 01, 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. 04L0168

Date: April 13, 2004

Claimant /Victim KANDISSE TATE

BY: (Atty) (Ins. Co.)

Address: 605 JenMarie Drive, SW Mableton, Georgia 30126

Subrogation: Claim for Property damage \$ 360.00 Bodily Injury \$

Date of Notice: 02/25/04 Method: Written, proper X Improper

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

Date of Occurrence 01/14/04 Place: Donald Lee Hollowell Parkway, NW and Maynard Road

Department Bureau: Division:

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that she sustained damages as a result of striking a recessed manhole at Donald Lee Hollowell, NW and Maynard Road. However, an investigation determined that Roland Pugh Contractors was working at this location and is responsible for the claimant's damages. The claimant has been advised to pursue her claim with Roland Pugh Contractors.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures 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 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,

[Handwritten signature of Lisa Carter]

INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ Adverse Account charged: 1A01 2J01 2H01

Claims Manager: [Handwritten signature] Concur/date 04/15/04

Committee Action: Council Action

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

RECEIVED

FEB 25 2004

RE: CLAIM FOR DAMAGES

Carter
03/08/04

Today's Date: 1/15/04

ENTERED - 3-9-04 - SB
04L0168 - LISA CARTER

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 360.00 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 01/14/04 2. Time of Incident: 9:00pm 3. Police called: Yes X
(month/day/year) Yes No

4. Location of incident (including street address): The intersection of Donald Lee Howell & Mayson Dr

5. Name of your insurance company: The Hunstler Policy No. A5552565 01

6. State what and how incident occurred: When exiting parking lot #285 I made a left over the curb to proceed down Veterans Memorial, and so I kept straight through the light filter. I then proceeded through the sign of light which caused intersection →

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: Acura 1997 (56W6J) Kandisse Tate
(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. Claims must be received within 6 months of the event.

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

Kandisse Tate
Signature of Claimant

KANDISSE TATE
(Print Claimant's Name)

605 JenMarie Drive SW
(Address)

Mableton, GA 30126
(City, State and Zip Code)

(770)944-2730
(Work Number) (Home Number)

That was very deep I kept driving at the time and
felt my tire wobble toward the right side. I then
kept driving straight so they tried to see if
I had damaged my tire, which they informed me
that my rim was bent and my tire was no good.
I left my tire and car there for 2 days and
rented a small car to get me back & forth until I
found out what needed to be done. I went back
to the spot where the incident happened
and there was a large pot hole with a iron sewer
top in the middle of the lane leading toward
Veterans Memorial. This large whole that was
uncovered damaged my car tire and rim.

...
I got to the camp at about 10:00 AM at the time and
for all the night, toward the night side I then
kept driving around the side of the lake to see if
I had damaged anyone, which they informed me
that no one was hurt and that there was no good
I left my car and took them for 2 days and
kept a small car - a 4000 - 4000 until I
found a car - a 4000 - 4000. I went back
to the spot where the accident happened
and the car was a 4000 - 4000 with a 4000 seven
top in the middle of the line leading toward
MORRIS MEMORIAL. This large white that was
circled around a 4000 - 4000 and 4000.