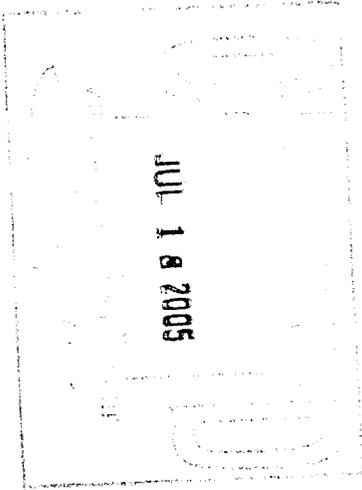


Entered 06/04/04- sb  
CL 04L0368 - LISA CARTER

05-R -1273



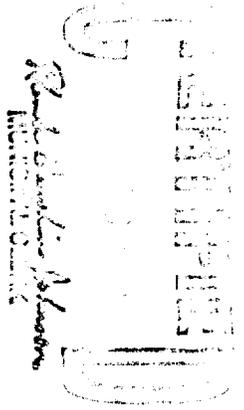
**CLAIM OF: DAVID T. SELLARS, SR.**  
5305 Partridge Street  
Durham, North Carolina 27704

For damages alleged to have been sustained as a result of striking a hole in the roadway on December 11, 2003 on Buford Highway.

THIS ADVERSED REPORT IS APPROVED

BY:

**JERRY L. DELOACH**  
**DEPUTY CITY ATTORNEY**



**ADVERSE REPORT**

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 7/12/05

CHAIR: [Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

ADVISED BY  
CITY OF DURHAM



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

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

July 20, 2005

David T. Sellars, Sr.  
5305 Partridge Street  
Durham, North Carolina 27704

05-R-1273

Dear Mr. Sellars:

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 July 18, 2005. 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.**

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0368

Date: June 28, 2005

Claimant /Victim DAVID T. SELLARS, SR.

BY:(Atty.)(Ins. Co.) \_\_\_\_\_

Address: 5305 Partridge Street Durham, North Carolina

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 4,972.34 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 06/01/04 Method: Written, proper X Improper \_\_\_\_\_

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

Date of Occurrence 12/11/03 Place: Buford Highway

Department \_\_\_\_\_ Bureau: \_\_\_\_\_ Division: \_\_\_\_\_

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

**NATURE OF CLAIM:** The claimant alleges that he sustained damages as a result of striking a hole in the roadway on Buford Highway. However, an investigation determined that Buford Highway is a state highway. The claim has been forwarded to Georgia Department of Transportation for handling and the claimant has been advised to pursue his claim with the Georgia Department of Transportation.

**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 \_\_\_\_\_

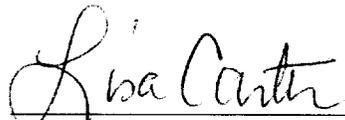
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_

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 \_\_\_\_\_

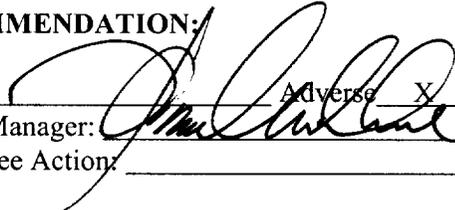
Respectfully submitted,



INVESTIGATOR - LISA CARTER

**RECOMMENDATION:**

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

Claims Manager:  Concur/date 06/29/05

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 6850  
7/18/05  
4:53 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 6-19

ADOPT

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT I

7/05/05

<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADVERSED ON CONSENT</b>
1. 05-O-0663 2. 05-O-0666 3. 05-R-0900 4. 05-O-0901 5. 05-O-0902 6. 05-O-1294 7. 04-O-1363 8. 05-O-1129 9. 05-O-1131 10. 05-O-1132 11. 05-O-1133 12. 05-O-1134 13. 05-O-1135 14. 04-O-1973 15. 05-O-1126 16. 05-O-1128 17. 05-O-1296 18. 05-O-1300 19. 05-R-1140 20. 05-R-1320 21. 05-R-1215 22. 05-R-1229 23. 05-R-1254 24. 05-R-1217 25. 05-R-1218 26. 05-R-1219 27. 05-R-1251 28. 05-R-1223 29. 05-R-1224 30. 05-R-1225	31. 05-R-1226 32. 05-R-1227 33. 05-R-1228 34. 05-R-1302 35. 05-R-1303 36. 05-R-1304 37. 05-R-1318 38. 05-R-1220 39. 05-R-1250 40. 05-R-1252 41. 05-R-1295 42. 05-R-1255 43. 05-R-1256 44. 05-R-1257 45. 05-R-1258 46. 05-R-1259 47. 05-R-1260 48. 05-R-1261 49. 05-R-1262 50. 05-R-1263 51. 05-R-1264	52. 05-R-1265 53. 05-R-1266 54. 05-R-1267 55. 05-R-1268 56. 05-R-1269 57. 05-R-1270 58. 05-R-1271 59. 05-R-1272 60. 05-R-1273 61. 05-R-1274 62. 05-R-1275 63. 05-R-1276 64. 05-R-1277 65. 05-R-1278 66. 05-R-1279 67. 05-R-1280 68. 05-R-1281 69. 05-R-1283 70. 05-R-1284 71. 05-R-1285