

05-*R*-0434

Entered - 07/27/04 - sb
CL04L0468 - GWENDOLYN BURNS

CLAIM OF: **CARLOS R. JOHNSON**
1400 Forest Lakes Avenue, SE
Atlanta, Georgia 30317

For damages alleged to have been sustained as a result of driving over a pothole on June 16, 2004 at 1675-1695 Glenwood Road.

THIS ADVERSED REPORT IS APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 3/15/05

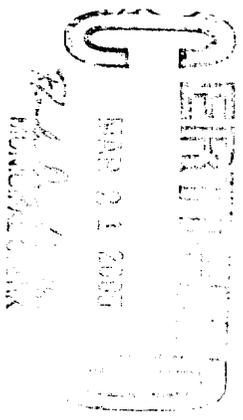
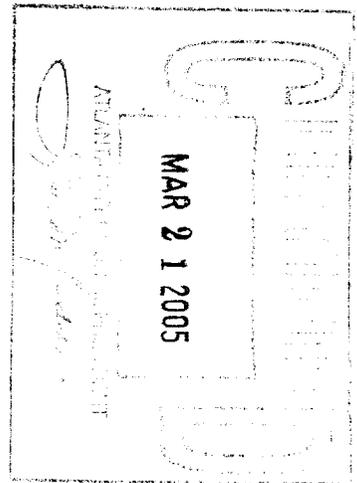
CHAIR: *Clara Pearson*

Marie Norwood

Paula Sisk

ADVERSE REPORT BY
CITY COUNCIL

MAR 21 2005





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

March 24, 2005

Carlos R. Johnson
1400 Forest Lakes Ave., SE
Atlanta, GA 30317

05-R-0434

Dear Mr. Johnson:

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 March 21, 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. 04L0468

Date: February 18, 2005

Claimant /Victim CARLOS R. JOHNSON

BY: (Atty)

Address: 1400 Forest Lakes Avenue, SE, Atlanta, Georgia 30317

Subrogation: Claim for Property damage \$ 500.00 Bodily Injury \$

Date of Notice: 07/22/04 Method: Written, proper X Improper

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

Date of Occurrence 06/16/04 Place: 1675-1695 Glenwood Road

Department Division:

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges his vehicle was damaged when he drove over a pothole at the above location. The investigation determined that this part of Glenwood Road is a State Highway for which the Georgia Department of Transportation is responsible.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police Dept Report 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 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,

[Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

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

Claims Manager: [Signature] Concur/date 03/03/05

Committee Action: Council Action

RCS# 6559
3/21/05
2:26 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG 4-16 EXCEPT
05-R-0499 04-O-2111
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

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

CONSENT I