

Entered - 12/30/03 - sb
CL03L0990 - DIANNE C. MITCHELL

05-R-0438

CLAIM OF: **CALVIN MADDOX,**
Through his attorney,
Nan Deegan-Putnam
4851 Jimmy Carter Boulevard
Norcross, Georgia 30093

For damages alleged to have been sustained as a result of
the delay in the City's purchase of his property on
November 21, 2003 at 644 Simpson Street.

THIS ADVERSED REPORT IS APPROVED

BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

CONSENT AGENDA

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 3/15/05
CHAIR: Clara Hester

Mary Norwood
[Signature]
Carla Smith

ADVERSED BY
CITY COUNCIL
MAR 21 2005

ALLEN COUNTY CLERK
MAR 21 2005

CLERK
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 25, 2005

Nan Deegan-Putnam
Attorney at Law
4851 Jimmy Carter Bouvelard
Norcross, GA 30093

05-R-0438

RE: Calvin Maddox

Dear Attorney Deegan-Putnam:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her 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 client's claim at its regular meeting on January 03, 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.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0990

Date: February 17, 2005

Claimant /Victim CALVIN MADDOX
BY: (Atty) Nan Deegan-Putnam
Address: 4851 Jimmy Carter Boulevard, Norcross, Georgia 30093
Subrogation: Claim for Property damage \$ 1,075.40 Bodily Injury \$
Date of Notice: 12/04/03 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/21/03 Place: 644 Simpson Street
Department Planning & Neighborhood Development Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges he was damaged due to the City's delay in the purchase of his property. However, the closing for the purchase of the claimant's property was rescheduled for December 23, 2003 at which time the property was purchased by the City.

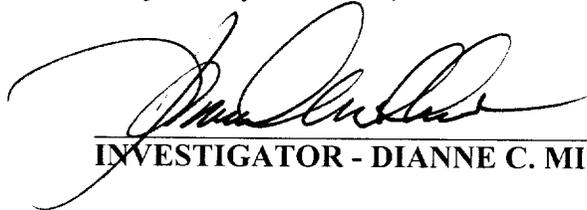
INVESTIGATION:

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:

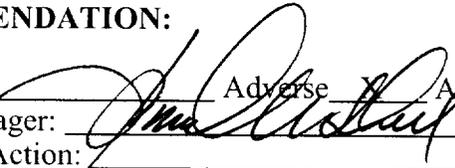
Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

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