

ADVERSED BY  
CITY COUNCIL  
MAR 2 1 2005

Entered - 01/20/05 - sb  
CL - 05L0037 LISA CARTER

05-R-0449

CLAIM OF: JOHN NUKES  
278 Windmill Drive  
Dallas, Georgia 30132

For damages alleged to have been sustained as a result of striking  
an open construction cut on December 3, 2004 at 2265 Perry  
Boulevard.

THIS ADVERSED REPORT IS APPROVED

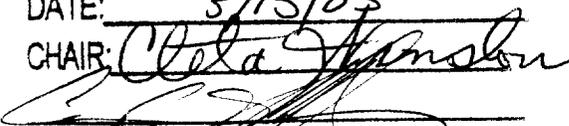
BY:   
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

CONFIDENTIAL

### ADVERSE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 3/15/05

CHAIR: 



H. D. Shind

Carla Fink

MAR 2 1 2005  
MAR 2 1 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

John Nukes  
278 Windmill Drive  
Dallas, GA 30132

05-R-0449

Dear Mr. Nukes:

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. 05L0037

Date: March 1, 2005

Claimant /Victim JOHN NUKES  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 278 Windmill Drive Dallas, Georgia 30132  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 906.88 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 01/12/05 Method: Written, proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 12/03/04 Place: 2265 Perry Boulevard  
Department \_\_\_\_\_ Bureau: \_\_\_\_\_ Division: \_\_\_\_\_  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges that he sustained damages as a result of striking an open construction cut at 2391 Perry Boulevard. However, an investigation determined that Kemi Construction was working at this location and is responsible for the damages. The claimant has been advised to pursue her claim with Kemi Construction.

INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others X Written \_\_\_\_\_ Oral X  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:

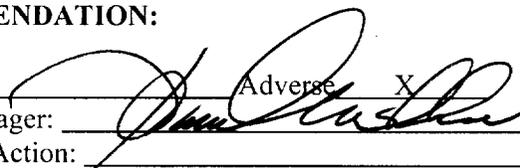
Function: Governmental \_\_\_\_\_ Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_  
City not involved X Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by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

Respectfully submitted,



INVESTIGATOR - LISA CARTER

RECOMMENDATION:

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