

ADVERSE REPORT
CITY COUNCIL
MAR 2 1 2005

Entered - 02/11/05 - sb
CL - 05L0107 LISA CARTER

05-R -0450

CLAIM OF: HENRY J. AND SHERI LYNN ALLEN
400 Rainbow Row Court
Alpharetta, Georgia 30022

For damages alleged to have been sustained as a result of debris falling on their vehicle during construction on January 19, 2005 on Interstate 75.

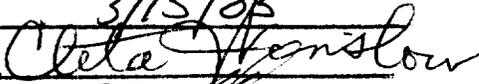
THIS ADVERSED REPORT IS APPROVED

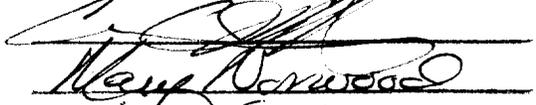
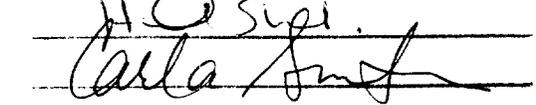
BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

CONSENT APPROVED

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 3/15/05
CHAIR: 


ATLANTA CITY COUNCIL
MAR 2 1 2005

ATLANTA CITY COUNCIL
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

Henry J. & Sheri Lynn Allen
400 Rainbow Row Court
Alpharetta, Georgia 30022

05-R-0450

Dear Mr. & Mrs. Allen:

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. 05L0107

Date: March 1, 2005

Claimant /Victim HENRY J. AND SHERI LYNN ALLEN

BY: (Atty) (Ins. Co.) _____

Address: 400 Rainbow Row Court Alpharetta, Georgia 30022

Subrogation: _____ Claim for Property damage \$ 370.29 Bodily Injury \$ _____

Date of Notice: 02/01/05 Method: Written, proper X Improper _____

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

Date of Occurrence 01/19/05 Place: Interstate 75

Department _____ Bureau: _____ Division: _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimants allege that they sustained damages as a result of debris falling on their vehicle during construction on January 19, 2005 on Interstate 75. However, an investigation determined that Interstate 75 is a state highway. The claim has been forwarded to Georgia Department of Transportation for handling and the claimants have been advised to pursue their 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 X Ministerial _____

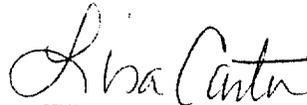
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

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: [Signature] Concur/date 3/1/05

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