

Entered - 01/20/05 - sb
CL - 05L0050 LISA CARTER

05-R -0945

CLAIM OF: ERIK D. VINCENT
500 Northside Circle, NW #K12
Atlanta, Georgia 30309

For damages alleged to have been sustained as a result of striking
an open construction cut on December 11, 2004 at 1280
Peachtree Street.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 5/31/05

CHAIR: Clayton Anderson

G. T. Mark

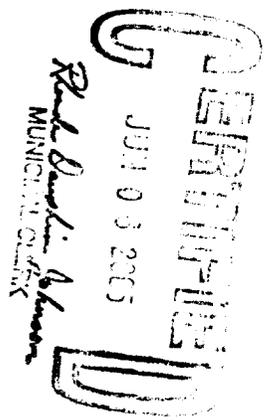
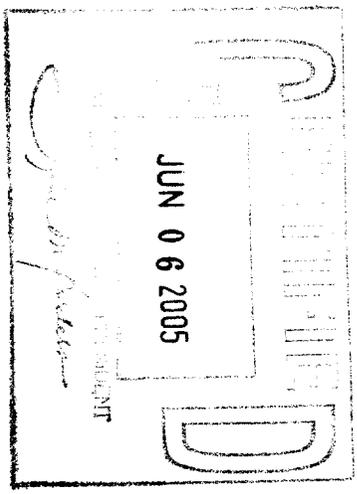
Spive M. Sheppard

Carla Anty

Paul Shook

ADVERSED BY
CITY COUNCIL

JUN 1 2005





**CITY OF ATLANTA
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**

June 13, 2005

Erik D. Vincent
500 Northside Circle NW
Apartment K12
Atlanta, GA 30309

05-R-0945

Dear Mr. Vincent:

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 June 06, 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. 05L0050

Date: May 17, 2005

Claimant /Victim ERIK D. VINCENT

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

Address: 500 Northside Circle, NW #K12 Atlanta, Georgia 30309

Subrogation: _____ Claim for Property damage \$ 1,048.00 Bodily Injury \$ _____

Date of Notice: 01/14/05 Method: Written, proper X Improper _____

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

Date of Occurrence 12/11/04 Place: 1280 Peachtree Street

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 1280 Peachtree Street. However, an investigation determined that Atlanta Gas Light was working at this location and is responsible for the damages. The claimant has been advised to pursue his claim with Atlanta Gas Light.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others X Written _____ Oral X

Pictures X 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 _____

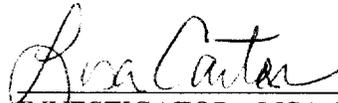
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

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: [Signature] Concur/date 05/19/2005

Committee Action: _____ Council Action _____

RCS# 6714
6/06/05
2:56 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 3-18 EXCEPT:05-O-0893
05-R-1006 05-R-1001
ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

| | | | |
|-----------|-------------|-----------|------------|
| 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 | B Sheperd | NV Borders |

CONSENT I

| | | | 06-06-05 Council Meeting |
|--------------------------|--------------------------|---------------------------|---------------------------|
| ITEMS ADOPTED ON CONSENT | ITEMS ADOPTED ON CONSENT | ITEMS ADVERSED ON CONSENT | ITEMS ADVERSED ON CONSENT |
| 1. 05-O-0891 | 31. 05-R-0963 | 49. 05-R-0794 | 80. 05-R-0947 |
| 2. 05-O-0890 | 32. 05-R-0964 | 50. 05-R-0796 | 81. 05-R-0948 |
| 3. 05-O-0894 | 33. 05-R-0966 | 51. 05-R-0797 | 82. 05-R-0949 |
| 4. 05-O-0668 | 34. 05-R-0967 | 52. 05-R-0798 | 83. 05-R-0950 |
| 5. 05-O-0667 | 35. 05-R-0918 | 53. 05-R-0802 | 84. 05-R-0951 |
| 6. 05-O-0899 | 36. 05-R-0919 | 54. 05-R-0803 | 85. 05-R-0952 |
| 7. 05-O-0816 | 37. 05-R-0920 | 55. 05-R-0804 | 86. 05-R-0953 |
| 8. 05-O-0817 | 38. 05-R-0921 | 56. 05-R-0808 | 87. 05-R-0958 |
| 9. 05-R-0983 | 39. 05-R-0922 | 57. 05-R-0809 | |
| 10. 05-R-0984 | 40. 05-R-0923 | 58. 05-R-0811 | |
| 11. 05-R-0985 | 41. 05-R-0924 | 59. 05-R-0813 | |
| 12. 05-R-0986 | 42. 05-R-0925 | 60. 05-R-0815 | |
| 13. 05-R-0987 | 43. 05-R-0926 | 61. 05-R-0928 | |
| 14. 05-R-0959 | 44. 05-R-0927 | 62. 05-R-0929 | |
| 15. 05-R-0994 | 45. 05-R-0954 | 63. 05-R-0930 | |
| 16. 05-R-0995 | 46. 05-R-0955 | 64. 05-R-0931 | |
| 17. 05-R-0996 | 47. 05-R-0956 | 65. 05-R-0932 | |
| 18. 05-R-0997 | 48. 05-R-0957 | 66. 05-R-0933 | |
| 19. 05-R-0998 | | 67. 05-R-0934 | |
| 20. 05-R-0989 | | 68. 05-R-0935 | |
| 21. 05-R-0974 | | 69. 05-R-0936 | |
| 22. 05-R-0975 | | 70. 05-R-0937 | |
| 23. 05-R-0973 | | 71. 05-R-0938 | |
| 24. 05-R-0898 | | 72. 05-R-0939 | |
| 25. 05-R-0977 | | 73. 05-R-0940 | |
| 26. 05-R-0978 | | 74. 05-R-0941 | |
| 27. 05-R-0979 | | 75. 05-R-0942 | |
| 28. 05-R-0980 | | 76. 05-R-0943 | |
| 29. 05-R-1000 | | 77. 05-R-0944 | |
| 30. 05-R-0962 | | 78. 05-R-0945 | |
| | | 79. 05-R-0946 | |