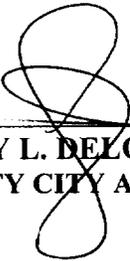


Entered - 12/14/09 - sb
CL- 09L1002 - Angelena Kelly

Claim of: Lynese Dukes
2646 Atha Court
Lawrenceville, GA 30044

For damages alleged to have been sustained as a result of driving over an unsecured construction area on December 5, 2009 at Peachtree Road and Lakeview Avenue.

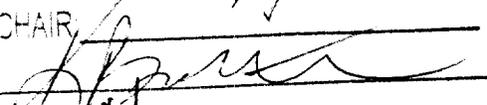
THIS ADVERSED REPORT IS APPROVED

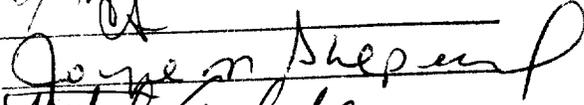
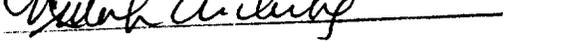
BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 2/9/10

CHAIR: 

FEB 15 2010

CLERK



CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

February 25, 2010

55 TRINITY AVENUE, S.W.
SUITE 2700
ATLANTA, GEORGIA 30303
Main (404) 330-6033
Fax (404) 658-6103
Email municipalclerk@atlantaga.gov

Ms. Lynese Dukes
2642 Atha Court
Lawrenceville, Georgia 30044

10-R-0268

Dear **Ms. Dukes**

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 February 15, 2010. 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. 09L1002

Date: December 30, 2009

Claimant /Victim: Lynese Dukes

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

Address: 2646 Atha Court, Lawrenceville, GA 30044

Subrogation: _____ Claim for Property damage \$ 800.00 Bodily Injury \$ _____

Date of Notice: 12/7/09 Method: Written, proper X Improper _____

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

Date of Occurrence: 12/5/09 Place: Peachtree Road and Lakeview Avenue

Department: _____ Bureau: _____

Employee involved: _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that she damaged her vehicle when she drove over an unsecured construction area. Photos of the hazardous condition show metal plates belonging to Atlanta Gas Light. Because this location is on a State Route, the claim has been forwarded to the Georgia Department of Transportation and Atlanta Gas Light for handling. The claimant has been advised of this action.

INVESTIGATION:

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

Pictures X 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 _____

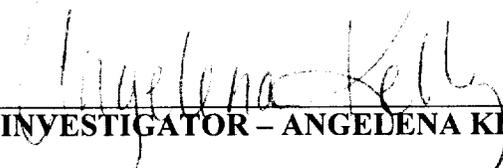
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____

City not involved X Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

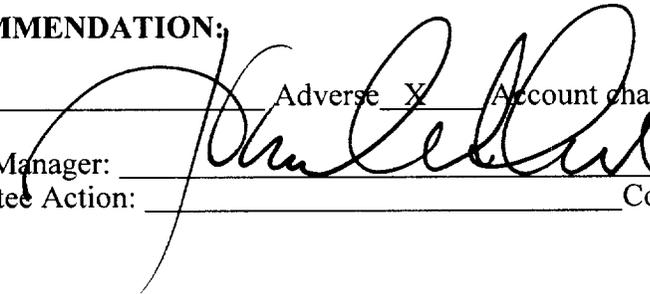
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,

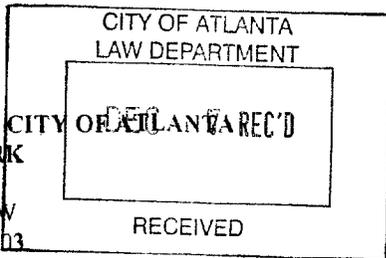

INVESTIGATOR - ANGELENA KELLY

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: General Fund _____ Water & Sewer _____ Aviation _____

Claims Manager:  Concur/date 1/25/10

Committee Action: _____ Council Action _____



COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30303

RE: CLAIM FOR DAMAGES

Today's Date: 12-01-09

*1 Kelly
12/10/09*

ENTERED - 12-14-09 - SB
09L1002 - A. KELLY

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 800⁰⁰ property and/or \$ _____ bodily injury for which I contend the City is liable.

- 1. Date of incident: December 5, 2009. Time of incident: 7:15 3. Police called: NO
- 4. Location of incident (including street address): between Lakeview and Peachtree way
- 5. Name of your insurance company: Allstate Policy No. _____
- 6. State what and how incident occurred: husband and I were driving down peachtree and Car drove over opened Man hole. The opened Manhole ruined Front and back wheels and Tires on right hand side of Car. There was no way to avoid going over manhole with out causing a major accident.

- 7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION! We drove to the location to take picture of lifted Man hole, but Manhole had been closed with metal Plate. We do have pictures on cell phone.
- 8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle.

Your vehicle: 935 Infiniti 2003 BDH2529 Mamadou Youkoure
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

- 9. Witness: My husband (Mamadou Youkoure) Myself (Lynese Dukes)

- 10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
- 11. Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Lynese Dukes
Signature of Claimant

Lynese Dukes
(Print Claimant's Name)

2646 Atha Ct
(Address)

Lawrenceville Ga 30044
(City, State and Zip Code)

404) 5798222
(Work Number) (Home Number)

10- R -0268

RCS# 70
2/15/10
2:39 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

| | | | |
|-----------|-------------|------------|-------------|
| Y Smith | Y Archibong | Y Moore | Y Bond |
| NV Hall | Y Wan | Y Martin | NV Watson |
| Y Young | Y Shook | Y Bottoms | Y Willis |
| Y Winslow | Y Adrean | NV Sheperd | NV Mitchell |

CONSENT I

| | | 02-15-10 |
|-----------------------------|-----------------------------|------------------------------|
| ITEMS ADOPTED ON CONSENT | ITEMS ADOPTED ON CONSENT | ITEMS ADVERSED ON CONSENT |
| 1. 10-O-0163 | 36. 10-R-0160 | 53. 10-R-0260 |
| 2. 10-O-0167 | 37. 10-R-0244 | 54. 10-R-0261 |
| 3. 10-O-0229 | 38. 10-R-0245 | 55. 10-R-0262 |
| 4. 10-O-0317 | 39. 10-R-0246 | 56. 10-R-0263 |
| 5. 10-O-0153 | 40. 10-R-0247 | 57. 10-R-0264 |
| 6. 10-O-0154 | 41. 10-R-0248 | 58. 10-R-0265 |
| 7. 10-O-0155 | 42. 10-R-0249 | 59. 10-R-0266 |
| 8. 10-O-0156 | 43. 10-R-0250 | 60. 10-R-0267 |
| 9. 10-O-0158 | 44. 10-R-0251 | 61. 10-R-0268 |
| 10. 10-O-0159 | 45. 10-R-0252 | 62. 10-R-0269 |
| 11. 10-O-0157 | 46. 10-R-0253 | 63. 10-R-0270 |
| 12. 10-R-0242 | 47. 10-R-0254 | 64. 10-R-0271 |
| 13. 10-R-0243 | 48. 10-R-0255 | 65. 10-R-0272 |
| 14. 10-R-0124 | 49. 10-R-0256 | 66. 10-R-0273 |
| 15. 10-R-0282 | 50. 10-R-0257 | 67. 10-R-0274 |
| 16. 10-R-0283 | 51. 10-R-0258 | |
| 17. 10-R-0284 | 52. 10-R-0259 | |
| 19. 10-R-0285 | | |
| 20. 10-R-0286 | | |
| 21. 10-R-0287 | | |
| 22. 10-R-0295 | | |
| 23. 10-R-0299 | | |
| 24. 10-R-0300 | | |
| 25. 10-R-0301 | | |
| 26. 10-R-0302 | | |
| 27. 10-R-0233 | | |
| 28. 10-R-0234 | | |
| 29. 10-R-0235 | | |
| 30. 10-R-0236 | | |
| 31. 10-R-0237 | | |
| 32. 10-R-0238 | | |
| 33. 10-R-0239 | | |
| 34. 10-R-0240 | | |
| 35. 10-R-0316 | | |