

10- R -0447

Entered 01/28/08 sb
CL 08L0079 - LISA CARTER

CLAIM OF: J. TIMOTHY MAST
760 Penn Avenue
Atlanta, Georgia 30308

For damages alleged to have been sustained as a result of the installation of a sidewalk on November 6, 2007 at 760 Penn Avenue.

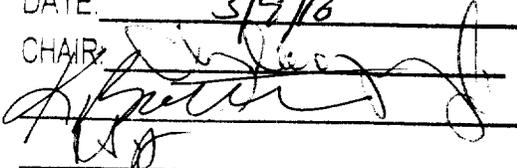
THIS ADVERSED REPORT IS APPROVED

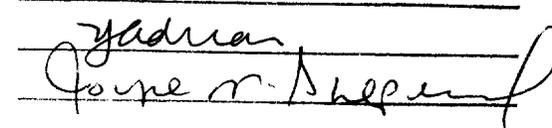
BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFTEY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 3/9/10

CHAIR: 

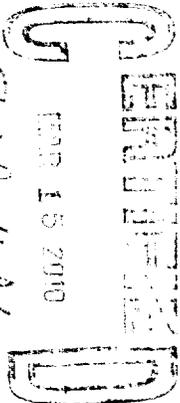

Yadran
Joanne R. Sheppard

MAR 15 2010

MAR 15 2010

ADVERSED BY
CITY COUNCIL

MAR 15 2010





OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6030
FAX (404) 658-6273

March 19, 2010

Mr. J. Timothy Mast
760 Penn Avenue
Atlanta, Georgia 30308

10-R-447

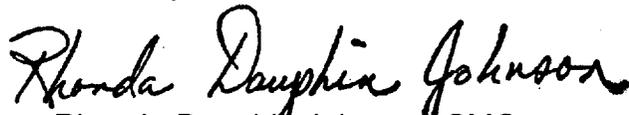
Dear Mr. Mast

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 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. 08L0079

Date: February 15, 2010

Claimant /Victim J. TIMOTHY MAST

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

Address: 760 Penn Avenue Atlanta, Georgia 30308

Subrogation: _____ Claim for Property damage \$ 6,715.80 Bodily Injury \$ _____

Date of Notice: 01/07/08 Method: Written, proper X Improper _____

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

Date of Occurrence 11/06/07 Place: 760 Penn Avenue

Department Public Works Bureau: _____ Office: Transportation Services

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that he sustained damages as a result of the replacement of a sidewalk at 760 Penn Avenue. However, an investigation determined that a permit had not been requested to install a sidewalk at this location. Furthermore, the sidewalk installed by the claimant did not meet ADA compliance requirements.

INVESTIGATION:

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

Pictures X Diagrams X Reports: Police _____ Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

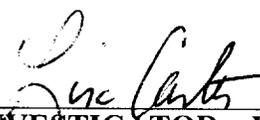
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

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

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

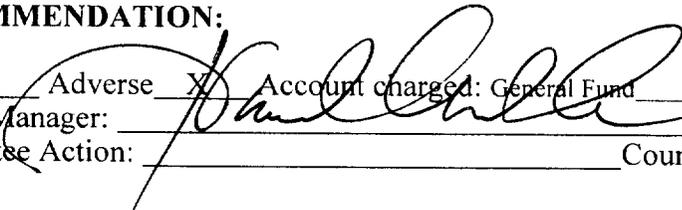
Respectfully submitted,



INVESTIGATOR - LISA CARTER

RECOMMENDATION:

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

Claims Manager:  Concur/date 02/17/10

Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
CLERK OF COUNCIL
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RECEIVED
OFFICE OF
MUNICIPAL CLERK
2008 JAN -7 PM 3:16
Today's Date: 1/4/08

Carter
01/24/08

Dear Clerk of Council:

ENTERED - 1-28-08 - SB
08L0079 - LISA CARTER

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 6715.80 property and/or \$ _____ bodily injury for which I contend the City is liable. *See Attached.*

1. Date of incident: November 6 2007
(month/day/year)
2. Police called: _____
Yes No
3. Location of incident: 760 Penn Ave Atlanta GA 30308
4. Name of your insurance company: _____ Policy No. _____
5. State what and how incident occurred: After we replaced our sidewalk with hex pavers, ^{last year} the City of Atlanta determined to remove the existing sidewalk, which was in perfectly good condition, and replace it with brown-finished concrete.
6. 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!
7. 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 (copy of the current tag receipt or title).

Your vehicle: _____
(make) (year) (tag number) (driver's name)

City vehicle: _____
(make) (City driver's name) (department/bureau)

8. Witness: _____
(name) (address) (telephone number)

9. The acknowledgement of this claim in no way waives the Governmental 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).

10. This claim should be mailed immediately to the address shown above.

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

10- R -0447

J. Timothy Mast
(claimant's name)
760 Penn Ave
(address)
Atlanta GA 30308
(city and state)
404-885-3312 404-733-5869
(work number) (home number)

RCS# 124
3/15/10
2:18 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

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

CONSENT I