

13-12-3049

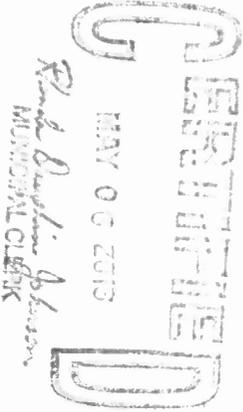
Entered - 10-3-11 sb
CL 11L0763 - DWM/02 - WARREN HAYES

CLAIM OF: **ROBERT L. WEESE**
811 Juniper Street
Atlanta, Georgia 30122

For property damage alleged to have been sustained as the result of a metal plate on June 28, 2011 at 660 Boulevard.

THIS ADVERSED REPORT IS APPROVED

BY: 
ERIC RICHARDSON
DEPUTY CITY ATTORNEY

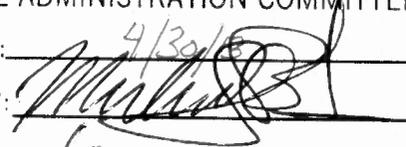


APPROVED BY
MAY 06 2013

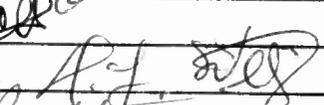
ADVERSE REPORT

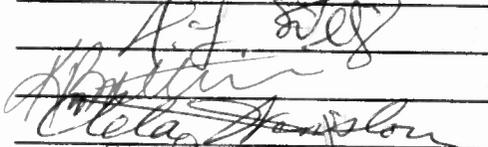
PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

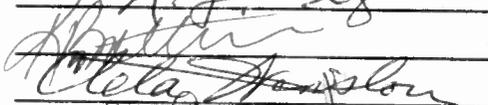
DATE: 4/30/12

CHAIR: 















CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

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

May 13, 2013

Robert L. Weese
811 Juniper Street
Atlanta, Georgia 30122

13-R-3049

Dear Mr. Weese:

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 May 3, 2013.

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. 11L0763

Date: March 20, 2013

Claimant /Victim ROBERT L. WEESE
BY: (Arty) (Ins. Co.)
Address: 811 Juniper Street, N.E., Atlanta, Georgia 30122
Subrogation: Claim for Property damage \$ 109.34 Bodily Injury \$
Date of Notice: 9/27/11 : Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 6/28/11 Place: 660 Boulevard
Department WATERSHED MANAGEMENT Bureau: Drinking Water Office
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges property damage sustained from driving over a steel plate. The investigation determined the claimant has chosen not to pursue claim action with the City.

INVESTIGATION:

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

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial X
Improper Notice More than Six Months Other 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 X

Respectfully submitted,

Wh
INVESTIGATOR - WARREN HAYES

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Director/Manager: Concur/date 3/27/13
Deputy City Attorney: Concur/date
Committee Action: Council Action

9-27
RECEIVED
9-24-11

Hayes
9/30/11
jms

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

CITY OF ATLANTA
LAW DEPARTMENT
SEP 30 REC'D
RECEIVED 53

RE: CLAIM FOR DAMAGES

Today's Date: 09-23-11
ENTERED - 10-3-11 - SB
11L0763 - W. HAYES

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 109.34 property and/or \$ N/A bodily injury for which I contend the City is liable.

- Date of incident: 06-28-11 2. Time of incident: 1:40^{pm} 3. Police called: no
- Location of incident (including street address): 660 Boulevard NE ATL
- Name of your insurance company: CNA Policy No. ACMR
- State what and how incident occurred: I was turning out of the Wendy's Resto and hit the corner of a steel Plate that was covering a hole in the road

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!

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: Ford 2004 AEB 5918 254067423
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: none
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: _____

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.

Robert Weese
Signature of Claimant

Robert L. Weese
(Print Claimant's Name)

811 Juniper St NE
(Address)

ATL Ga 30122
(City, State and Zip Code)

404 881 5800 404 7598163
(Work Number) (Home Number)

RCS# 2666
5/06/13
3:23 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I; ALL ITEMS
EXCEPT 13-O-0638
ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

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

CONSENT I

+

| | | 05-06-13 |
|-----------------------------|--------------------------------------|------------------------------|
| ITEMS ADOPTED ON CONSENT | ITEMS ADOPDED ON CONSENT | ITEMS ADVERSED ON CONSENT |
| 1. 13-O-0599 | 40. 13-R-3103 | 77. 13-R-3043 |
| 2. 13-O-0629 | 41. 13-R-3104 | 78. 13-R-3044 |
| 3. 13-O-0643 | 42. 13-R-3085 | 79. 13-R-3045 |
| 4. 13-O-0119 | 43. 13-R-3086 | 80. 13-R-3046 |
| 5. 13-O-0632 | 44. 13-R-3087 | 81. 13-R-3047 |
| 6. 13-O-0639 | 45. 13-R-3088 | 82. 13-R-3048 |
| 7. 13-O-0638 | 46. 13-R-3089 | 83. 13-R-3049 |
| 8. 13-O-0640 | 47. 13-R-3090 | 84. 13-R-3050 |
| 9. 13-O-0648 | 48. 13-R-3014 | 85. 13-R-3051 |
| 10. 13-O-0592 | 49. 13-R-3015 | 86. 13-R-3052 |
| 11. 13-O-0628 | 50. 13-R-3016 | 87. 13-R-3053 |
| 12. 13-O-0630 | 51. 13-R-3017 | 88. 13-R-3054 |
| 13. 13-R-3091 | 52. 13-R-3018 | 89. 13-R-3055 |
| 14. 13-R-3092 | 53. 13-R-3019 | 90. 13-R-3056 |
| 15. 13-R-3094 | 54. 13-R-3020 | 91. 13-R-3057 |
| 16. 13-R-3095 | 55. 13-R-3021 | 92. 13-R-3058 |
| 17. 13-R-3096 | 56. 13-R-3022 | 93. 13-R-3059 |
| 18. 13-R-3097 | 57. 13-R-3023 | 94. 13-R-3060 |
| 19. 13-R-3093 | 58. 13-R-3024 | 95. 13-R-3061 |
| 20. 13-R-3098 | 59. 13-R-3025 | 96. 13-R-3062 |
| 21. 13-R-3100 | 60. 13-R-3026 | 97. 13-R-3063 |
| 22. 13-R-3101 | 61. 13-R-3027 | 98. 13-R-3064 |
| 23. 13-R-3106 | 62. 13-R-3028 | 99. 13-R-3065 |
| 24. 13-R-3003 | 63. 13-R-3029 | 100. 13-R-3066 |
| 25. 13-R-3004 | 64. 13-R-3030 | 101. 13-R-3067 |
| 26. 13-R-3005 | 65. 13-R-3031 | 102. 13-R-3068 |
| 27. 13-R-3006 | 66. 13-R-3032 | 103. 13-R-3069 |
| 28. 13-R-3007 | 67. 13-R-3033 | 104. 13-R-3070 |
| 29. 13-R-3008 | ITEMS ADVERSED ON CONSENT | 105. 13-R-3071 |
| 30. 13-R-3009 | 68. 13-R-3034 | 106. 13-R-3072 |
| 31. 13-R-3010 | 69. 13-R-3035 | 107. 13-R-3073 |
| 32. 13-R-3011 | 70. 13-R-3036 | 108. 13-R-3074 |
| 33. 13-R-3013 | 71. 13-R-3037 | 109. 13-R-3075 |
| 34. 13-R-3000 | 72. 13-R-3038 | 110. 13-R-3076 |
| 35. 13-R-3001 | 73. 13-R-3039 | 111. 13-R-3077 |
| 36. 13-R-3002 | 74. 13-R-3040 | 112. 13-R-3078 |
| 37. 13-R-3083 | 75. 13-R-3041 | 113. 13-R-3079 |
| 38. 13-R-3084 | 76. 13-R-3042 | 114. 13-R-3080 |
| 39. 13-R-3102 | | 115. 13-R-3081 |
| | | 116. 13-R-3082 |