13-R-3071

1924

Entered – 2/11/13 - sb
CL – 13L0039-A - Angelena Kelly

Claim of: **Valeria Porter**
4953 Warmstone Way
Smyrna, GA 30080

For property damage allegedly sustained as a result of an unsecured construction cut on December 17, 2012 at 327 Edgewood Avenue.

THIS ADVERSED REPORT IS APPROVED

BY: _____
ERIC RICHARDSON
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE
DATE: 4/30/13
CHAIR:

CERTIFIED
ATLANTA CITY COUNCIL PRESIDENT
MAY 06 2013

CERTIFIED
MUNICIPAL CLERK
MAY 06 2013

ADVERSED BY
CITY COUNCIL
MAY 06 2013

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

Valeria Porter
4953 Warmstone Way
Smyrna, Georgia 30080

13-R-3071

Dear Ms. Porter:

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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. **13L0039-A** Date: March 22, 2013

Claimant /Victim: **Valeria Porter**
BY:(Atty)(Ins. Co.)
Address: 4953 Warmstone Way, Smyrna, GA 30080
Subrogation: _____ Claim for Property damage $ 145.20 Bodily Injury $ _____
Date of Notice: 1/30/13 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence: 12/17/12 Place: 327 Edgewood Avenue
Department: _____ Bureau: _____ Office: _____
Employee involved: _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges property damage sustained when she drove over an unsecured construction cut. The investigation determined that a contractor working on behalf of the city performed the work at this location. The claim has been tendered to the contractor for handling pursuant to the written agreement. The claimant has been advised of this action.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written X Oral _____
Pictures _____ 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 _____ 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 - A. KELLY

RECOMMENDATION:

Pay $ _____ Adverse X Account charged: General Fund _____ Water & Sewer _____ Aviation _____
Claims Director/Manager: _____ Concur/date 4/5/13
Deputy City Attorney: _____ Concur/date _____
Committee Action: _____ Council Action _____

RECEIVED - REC
FEB - 1 2013 565

CC: 13L0039

RECEIVED
OFFICE OF
MUNICIPAL CLERK
2013 JAN 30 AM 10: 25

Kelly
2/7/13
DB

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

RE: CLAIM FOR DAMAGES

Today's Date: 12-17-2012

ENTERED - 2-11-13 - SB
13L0039-B - A. KELLY

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of $ 145.20 property and/or $ — bodily injury for which I contend the City is liable.

1. Date of incident: 12/17/12 2. Time of incident: 29:15 3. Police called: NO
4. Location of incident (including street address): Edgewood Ave & 75/85 Overpass (by the Firestation & Senior Ctr.)
5. Name of your insurance company: AllState Policy No. 031 678 569
6. State what and how incident occurred: There was open construction in the road on a rainy day that was unmarked and uncovered. Fire cars hit the same patch. The car behind me blew a tire. Two new tires on my car were blown. The man behind me alerted me of what happened to my car.
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!** DB
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: 2007 Mercedes C280 4Matic / 1703 AEW / Valeria (Val) Porter
   (Make) (Year) (Tag Number) (Driver's Name)

   City vehicle: — — —
   (Make) (City Driver's Name) (Department/Bureau)
9. Witness: N/A
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.

Signature of Claimant

Valeria (Val) Porter
(Print Claimant's Name)

4953 Warmstone Way
(Address)

Smyrna, GA 30080
(City, State and Zip Code)

404 606 1870 678 777 3046
(Work Number) (Home Number)

Please use this #

NKeeu
CAC
2/4/13

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

		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