Entered -4-26-00 - sb
CL 00L0248 - GWENDOLYN BURNS

CLAIM OF:

SAMMY L. GILSTRAP
345 Cascade Rise Court
Atlanta, Georgia 30331

01- R -0283

For vehicular damages alleged to have been sustained as a result of driving over debris that was left in the roadway on December 10, 1999 at the intersection of Cascade Road, SW & Interstate 285.

THIS ADVERSED REPORT IS
APPROVED

BY: _____
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

ADVERSED BY CITY COUNCIL MAR 0 5 2001

P.S.LA
DATE 2/27/01
CHM. C. T. Martin

CERTIFIED
MAR 0 5 2001
ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
MAR 0 5 2001
MUNICIPAL CLERK

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

March 14, 2001

Sammy L. Gilstrap
345 Cascade Rise Court
Atlanta, Ga 30331

01-R-0283

Dear Mr. Gilstrap:

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 05, 2001. 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. 00L0248 Date: February 13, 2001

Claimant /Victim **SAMMY GILSTRAP**
BY: (Atty) (Ins. Co.) _____
Address: 345 Cascade Rise Court, Atlanta, Georgia 303331
Subrogation: _____ Claim for damages $ 3,546.11 Bodily Injury $ _____
Date of Notice: 3/29/00 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 12/10/99 Place: Cascade Road, SW & Interstate 285
Department PUBLIC WORKS Division Street
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that he sustained vehicular damage when he drove over cement bags that were left in the roadway. An investigation determined that the City did not have notice of the debris in the street prior to the incident date. The City is immune from liability.

INVESTIGATION:

Statements: City employee X Claimant _____ Others _____ Written _____ Oral X
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other X
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 - GWENDOLYN BURNS

RECOMMENDATION:

Pay $ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 ___
Claims Manager: _____ Concur/date 02 15 01
Committee Action: _____ Council Action _____

FORM 23-61

03-29-00 P05:15 IN

BURNS
04/20/00

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

RE: CLAIM FOR DAMAGES

Today's Date: _____

79

ENTERED - 04/26/00 - tew
00L0248 - GWEN BURNS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of $ 3,546.11 property and/or $ 0 bodily injury for which I contend the City is liable.

1. Date of incident: 12 10 99 (month/day/ year) 2. Time of Incident: 6:[illegible] 3. Police called: _____ Yes _____ No

4. Location of incident (including street address): Cascade Rd.

5. Name of your insurance company: Progressive Casualty Ins. Co. Policy No. 30838927-0

6. State what and how incident occurred: going to work driving down Cascade Road 285 intersection where there were big cement rock medians left in street by Rain over slow and hit a hole in my Ford Pick up

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 (copy of the current tag receipt or title).

Your vehicle: Ford Pick up 1989 Sammy L. Gilstrap
(Make) (Year) (Tag Number) (Driver's Name)

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

9. Witness: 1. The City came out and claim & pick up the large cement rock.
(Name) (Address) (Telephone Number)
2. AAA Auto Club - Tucker GA. 770-939-7520
3. Lynch Coastal Service 3450 Cascade Rd I-285 404-696-4262 - Milton Lynch

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

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

Sammy L. Gilstrap
Signature of Claimant

Sammy L. Gilstrap
(Print Claimant's Name)

345 Cascade Rise Ct
(Address)

Atl. GA. 30331
(City , State and Zip Code)

(404) 892-4231
(Work Number) (Home Number)

(404) 962-9516

01-R-0283

01-R-0283

RCS# 2689
3/05/01
6:36 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1 thru. 13

ADOPT

YEAS:	12
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	3
EXCUSED:	0
ABSENT	1

SEE ATTACHED LISTING OF ITEMS ADOPTED/ADVERSED ON CONSENT AGENDA

NV McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	NV Martin	Y Emmons
Y Bond	Y Morris	B Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM <u>CONSENT AGENDA</u>
01-O-0240
01-R-0307
01-R-0346

CONSENT

ITEMS ADOPTED ON CONSENT AGENDA

1. 01-O-0179
2. 01-O-0348
3. 00-O-1657
4. 01-O-0355
5. 01-O-0152
6. 01-R-0190
7. 01-R-0349
8. 01-R-0351
9. 01-R-0290
10. 01-R-0304
11. 01-R-0305
12. 01-R-0369
13. 01-R-0370
14. 01-R-0297
15. 01-R-0300
16. 01-R-0298
17. 01-R-0299
18. 01-R-0251
19. 01-R-0252
20. 01-R-0253
21. 01-R-0254
22. 01-R-0255
23. 01-R-0256
24. 01-R-0257
25. 01-R-0258
26. 01-R-0259
27. 01-R-0260
28. 01-R-0261
29. 01-R-0262
30. 01-R-0263
31. 01-R-0264
32. 01-R-0265
33. 01-R-0266
34. 01-R-0267
35. 01-R-0268
36. 01-R-0269
37. 01-R-0291
38. 01-R-0292

ITEMS ADVERSED ON CONSENT AGENDA

39. 01-R-0270
40. 01-R-0271
41. 01-R-0272
42. 01-R-0273
43. 01-R-0274
44. 01-R-0275
45. 01-R-0276
46. 01-R-0277
47. 01-R-0278
48. 01-R-0279
49. 01-R-0280
50. 01-R-0281
51. 01-R-0282
52. 01-R-0283
53. 01-R-0284
54. 01-R-0285
55. 01-R-0286
56. 01-R-0287
57. 01-R-0288
58. 01-R-0289