Entered -07-23-01 - sb
CL 01L0471 - GWENDOLYN BURNS

CLAIM OF: **BOB MATUSZAK**
2536 Cedar Canyon Road
Marietta, Georgia 30067

02- R -0101

ADVERSED
CITY COUNCIL JAN 22 2002

For vehicular damages alleged to have been sustained as a result of a construction cut that was left open and in an unsafe condition on June 5, 2001 at 675 West Paces Ferry Road, NE.

THIS ADVERSED REPORT IS APPROVED

CERTIFIED
JAN 22 2002
ATLANTA CITY COUNCIL PRESIDENT

CONSENT AGENDA

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CERTIFIED
JAN 22 2002
MUNICIPAL CLERK

ADVERSE REPORT
COMM P. S. L. A.
DATE 1-15-02
CHAIR
C. T. Martin

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

January 29, 2002

Bob Matuszak
2536 Cedar Canyon Road
Marietta, Georgia 30067

02-R-0101

Dear Mr. Matuszak:

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 January 22, 2002. 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. 01L0471 Date: January 2, 2002

Claimant /Victim **BOB MATUSZAK**
BY: (Atty) (Ins. Co.) _____
Address: 2536 Cedar Canyon Road, Marietta, Georgia 30067
Subrogation: _____ Claim for Property damage $ 139.87 Bodily Injury $ _____
Date of Notice: 7/11/01 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 _____ Ante Litem (6 Mo.) _____
Date of Occurrence 6/5/01 Place: 675 West Paces Ferry Road, NE
Department _____ Division _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that his vehicle sustained damage when he drove over a construction cut in the roadway that was not properly covered and left in an unsafe condition. An investigation determined that United Water Services Atlanta, Inc. performed work at the incident location. The claimant's claim has been forwarded and resolved by United Water Services Atlanta, Inc.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
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 _____ Ministerial _____
Improper Notice _____ More than Six Months _____ Other X 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 - GWENDOLYN BURNS

RECOMMENDATION:

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

FORM 23-61

RCS# 3405
1/22/02
1:28 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1 through 9

ADOPT

SEE ATTACHED LISTING OF ITEMS ADOPTED/ADVERSED ON CONSENT AGENDA

YEAS:	15
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	1
EXCUSED:	0
ABSENT	0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT

ITEMS ADOPTED ON CONSENT AGENDA

1. 02-O-0085
2. 02-R-0003
3. 02-R-0007
4. 02-R-0008
5. 02-R-0009
6. 02-R-0036
7. 02-R-0038
8. 02-R-0010
9. 02-R-0031
10. 02-R-0032
11. 02-R-0033
12. 02-R-0034
13. 02-R-0094
14. 02-R-0095
15. 02-R-0096
16. 02-R-0097

ITEMS ADVERSED ON CONSENT AGENDA

17. 02-R-0011
18. 02-R-0012
19. 02-R-0013
20. 02-R-0014
21. 02-R-0015
22. 02-R-0016
23. 02-R-0017
24. 02-R-0018
25. 02-R-0019
26. 02-R-0020
27. 02-R-0021
28. 02-R-0022
29. 02-R-0023
30. 02-R-0024
31. 02-R-0025
32. 02-R-0026
33. 02-R-0027
34. 02-R-0028
35. 02-R-0029
36. 02-R-0030
37. 02-R-0098
38. 02-R-0099
39. 02-R-0100
40. 02-R-0101
41. 02-R-0102
42. 02-R-0103