

Entered 05-02-01 - sb
CL 01L0279 - GWENDOLYN BURNS

02-*R*-0939

CLAIM OF: **Charlton Whitlock Dunbar**
3144 Terramar Drive
Chamblee, Georgia 30341

For vehicular damages sustained from driving over a
pothole in the road on March 30, 2001 at Foundry
Street & Marietta Street.

THIS ADVERSED REPORT IS
APPROVED

BY: *Robert N. Godfrey*
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

CONSENT AGENDA

ADVERSED BY JUN 03
CITY COUNCIL

CERTIFIED
JUN 03 2002
ATLANTA CITY COUNCIL PRESIDENT
Patricia W. Workland

ADVERSE REPORT

COMM: *Public Safety*
DATE: *5/28/02*
CHAIR: _____
Natasha Archib
Co. To Monty
Clayton
Carl

CERTIFIED
JUN 03 2002
Flora Douglas Johnson
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

June 7, 2002

Carlton Whitlock Dunbar
3144 Terramar Drive
Chamblee, GA 30341

02-R-0939

Dear **Mr. Dunbar:**

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 June 3, 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, CMC
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0279

Date: May 13, 2002

Claimant /Victim CHARLTON WHITLOCK DUNBAR
BY: (Atty) (Ins. Co.)
Address: 3144 Terramar Drive, Chamblee, Georgia 30341
Subrogation: Claim for Property damage \$ 166.08 Bodily Injury \$
Date of Notice: 5/1/01 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 3/30/01 Place: Foundry Street near Marietta Street, NW
Department PUBLIC WORKS Division Street
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that his vehicle sustained damage when he drove over a pothole that was located in the roadway. An investigation determined that the City did not have any complaints or notice of the street defect prior to claimant's incident.

INVESTIGATION:

Statements: City employee Claimant Others Written 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 X
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,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2P01 2H01
Claims Manager: Concur/date 05/15/02
Committee Action: Council Action

RCS# 3776
6/03/02
2:19 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-14; Except 02-R-0974; 02-O-0952

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

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

ITEM (S) REMOVED FROM
CONSENT AGENDA
02-O-0952

06/03/02 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

**ITEMS ADOPTED ON
CONSENT AGENDA**

**ITEMS
ADVERSED
ON CONSENT
AGENDA**

1. 02-O-0726
2. 02-O-0723
3. 02-O-0694
4. 02-O-0854
5. 02-O-0709
6. 02-O-0710
7. 02-O-0711
8. 02-O-0712
9. 02-O-0713
10. 02-O-0714
11. 02-O-0715
12. 02-O-0716
13. 02-O-0717
14. 02-O-0953
15. 02-O-0719
16. 02-O-0720
17. 02-O-0722
18. 02-O-0959
19. 02-O-0962
20. 02-O-0966
21. 02-O-0967
22. 02-O-0730
23. 02-O-0958
24. 02-O-0961
25. 02-R-0894
26. 02-R-0948
27. 02-R-0949
28. 02-R-0905
29. 02-R-0906
30. 02-R-0904
31. 02-R-0954
32. 02-R-0974
33. 02-R-0801

34. 02-R-0892
35. 02-R-0895
36. 02-R-0896
37. 02-R-0897
38. 02-R-0898
39. 02-R-0903
40. 02-R-0950
41. 02-R-0968
42. 02-R-0975
43. 02-R-0910
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45. 02-R-0912
46. 02-R-0913
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48. 02-R-0915
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 76. 02-R-0943
 77. 02-R-0944
 78. 02-R-0945
 79. 02-R-0946
 80. 02-R-0947
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