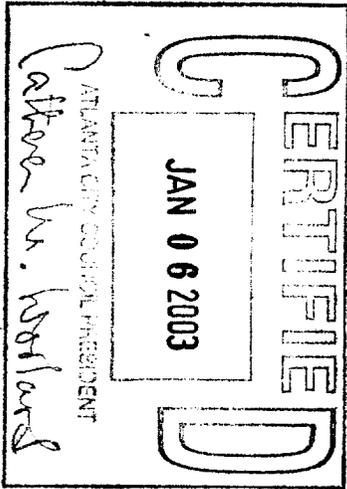


Entered 08-22-02 - sb
CL 02L0599 - GWENDOLYN BURNS

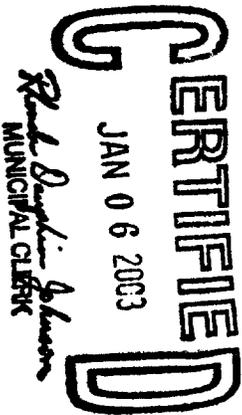
02-R-2146



CLAIM OF: YASUSHI FUKUNAGA
1261 Holly Street, NW
Atlanta, Georgia 30318-5329

For vehicular damages alleged to have been sustained from driving over a manhole that was above the surface of the street during a re-paving project on August 7, 2002 at 14th Street, NW & Center Street, NW.

THIS ADVERSED REPORT IS APPROVED



BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSED BY CITY COUNCIL JAN 06 2003

ADVERSE REPORT

COMM _____

DATE _____

CHAIR _____

Carla Smith

C. T. [unclear]

Hend Stank



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 14, 2003

Yasushi Fukunaga
1261 Holly St., NW
Atlanta, GA 30318-5329

02-R-2146

Dear Mr. Fukunaga:

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 6, 2003. 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. 02L0599

Date: November 26, 2002

Claimant /Victim YASUSHI FUKUNAGA
BY: (Atty) (Ins. Co.)
Address: 1261 Holly Street, NW, Atlanta, Georgia 30318
Subrogation: Claim for Property damage \$ 5,784.47 Bodily Injury \$
Date of Notice: 8/19/02 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 8/7/02 Place: 14th Street, NW & Center Street, NW
Department Division
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that his vehicle sustained damage when he drove over a manhole that was exposed and above the surface of the street. However, 14th Street, NW is a State route and is operated by the State of Georgia, Department of Transportation. Nevertheless, an investigation revealed that the entire roadway was under construction by a contractor that was installing a water main for the City. The claimant has been so advised and his claim has been forwarded to the State of Georgia and the contractor for resolution.

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
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,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2P01 2H01
Claims Manager: Concur/date 11-27-02
Committee Action Council Action

RCS# 4344
1/06/03
2:10 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-7; Except 02-O-1853; 02-R-1770
02-R-2007; 02-R-2056
ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 0

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

CONSENT I

1/06/03 Council Meeting

**ITEMS ADOPTED ON CONSENT
AGENDA**

1. 02-O-2008
2. 02-O-2071
3. 02-O-2175
4. 02-O-2170
5. 02-O-2171
6. 02-O-2024
7. 02-O-2172
8. 02-R-2130
9. 02-R-2157
10. 02-R-2158
11. 02-R-2159
12. 02-R-2186
13. 02-R-1964
14. 02-R-1965
15. 02-R-2067
16. 02-R-2134
17. 02-R-2135
18. 02-R-2136
19. 02-R-2137
20. 02-R-2138
21. 02-R-2139
22. 02-R-2140
23. 02-R-2141

**ITEMS ADVERSED ON CONSENT
AGENDA**

24. 02-R-2142
25. 02-R-2143
26. 02-R-2144
27. 02-R-2145
28. 02-R-2146
29. 02-R-2147
30. 02-R-2148
31. 02-R-2149
32. 02-R-2150
33. 02-R-2151
34. 02-R-2152
35. 02-R-2153
36. 02-R-2154
37. 02-R-2155
38. 02-R-2156

Consent I Vote: 11 Yeas; 0 Nays (See RCS #4344)

Items Removed from the Consent Agenda: 02-O-1853; 02-R-1770; 02-R-2007; 02-R-2056