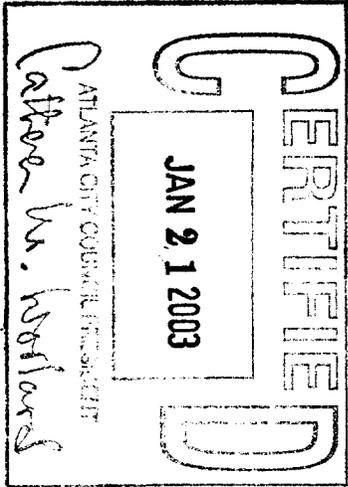


Entered -12-18-02 - sb
CL 02L0921 - GWENDOLYN BURNS

CLAIM OF:

ERIC DECUYPER
3635 Clearview Parkway
Doraville, Georgia 30340

03-R-0017



For damages alleged to have been sustained when a piece of metal that was hanging from an overhead bridge ripped open the roof of a vehicle on May 3, 2001 at Glen Street & Metropolitan Parkway, SE.

THIS ADVERSED REPORT IS APPROVED



DEPUTY MUNICIPAL CLERK
full

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CITY CLERK JAN 2 1 2003

ADVERSE REPORT

COMM: Public Safety

DATE: 1-14-03

CHAIR: _____



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 31, 2003

Eric Decuyper
3635 Clearview Parkway
Doraville, GA 30340

03-R-0017

Dear Mr. Decuyper:

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 21, 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.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0921

Date: January 2, 2003

Claimant /Victim ERIC DECUYPER
BY: (Atty) (Ins. Co.)
Address: 3635 Clearview Parkway, Doraville, Georgia 30340
Subrogation: Claim for Property damage \$ 2,287.38 Bodily Injury \$
Date of Notice: 12/12/02 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/25/02 Place: Glen Street & Metropolitan Parkway, SE
Department Division
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that his vehicle sustained damage when a piece of metal that was hanging from the bridge ruptured the top of his vehicle while driving on Glen Street. However, an investigation determined that CSX owns and operates the bridge and railroad system in question. The claimant has been so advised and his claim has been forwarded to CSX for resolution.

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,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2P01 2J01 2H01
Claims Manager: Concur/date 01-03-03
Committee Action Council Action

RCS# 4404
1/21/03
3:19 PM

Atlanta City Council

Regular Session

CONSENT 1 Pgs. 1-8; Except 03-R-0035; 03-R-0050

ADOPT

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

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

1/21/03 FULL COUNCIL MEETING

**Items Adopted on the
Consent Agenda**

1. 02-O-2129
2. 03-O-0040
3. 02-O-2132
4. 02-O-2133
5. 02-O-2128
6. 03-O-0047
7. 03-R-0029
8. 03-R-0030
9. 03-R-0025
10. 03-R-0032
11. 03-R-0036
12. 03-R-0058
13. 03-R-0059
14. 02-R-1137
15. 02-R-1628
16. 02-R-1874
17. 03-R-0031
18. 03-R-0046
19. 02-R-2056
20. 03-R-0001
21. 03-R-0002
22. 03-R-0013
23. 03-R-0014

**Items Adversed on the Consent
Agenda**

24. 03-R-0003
25. 03-R-0004
26. 03-R-0005
27. 03-R-0006
28. 03-R-0007
29. 03-R-0008
30. 03-R-0009
31. 03-R-0010
32. 03-R-0011
33. 03-R-0012
34. 03-R-0015
35. 03-R-0016
36. 03-R-0017
37. 03-R-0018
38. 03-R-0019
39. 03-R-0021
40. 03-R-0022
41. 03-R-0023
42. 03-R-0024

Consent I Vote: 11 Yeas; 0 Nays: (See RCS #4404/Reconsidered; See RCS # 4376
for Initial Vote & RCS #4403 for vote to Reconsider)

Items Removed from the Consent Agenda: 03-R-0035 & 03-R-0050