Entered -07-16-02 - sb
CL 02L0498 - GWENDOLYN BURNS

03- R -0267

CLAIM OF: CALVIN FISH
2636 Bohler Road
Atlanta, Georgia 30327

CERTIFIED
MAR 03 2003
ATLANTA CITY COUNCIL PRESIDENT

For vehicular damages alleged to have been sustained from driving over a manhole that was exposed during a road resurfacing project on February 11, 2002 at 3122 Peachtree Road, NE and Roswell Road.

THIS ADVERSE REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CERTIFIED
MAR 03 2003
MUNICIPAL CLERK

ADVERTISED
CITY COUNCIL MAR 03 2003

ADVERSE REPORT
COMM: Public Safety
DATE: 2-25-03
CHAIR:
Cleta Winslow
C. T. Martin
Vera Norwood

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 17, 2003

Calvin Fish
2636 Bohler Rd.
Atlanta, GA 30327

03-R-0267

Dear Mr. Fish:

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 03, 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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0498 Date: February 11, 2003

Claimant /Victim **CALVIN FISH**
BY: (Atty) (Ins. Co.)
Address: 2636 Bohler Road, Atlanta, Georgia 30327
Subrogation: _____ Claim for Property damage $ 585.00 Bodily Injury $ _____
Date of Notice: 7/09/02 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 2/11/02 Place: 3122 Peachtree Road, NE
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 located above the surface of the street during a road resurfacing project. However, Peachtree Road, NE is a state route. All road resurfacing projects on state routes are conducted by the State of Georgia, Department of Transportation or a contractor that obtained a construction permit through the State of Georgia. The claimant has been so advised and his claim has been forwarded to the State of Georgia 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 _____ 2J01 _____ 2P01 _____ 2H01 ___
Claims Manager: _____ Concur/date 02/13/03
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 4504
3/03/03
2:24 PM

Atlanta City Council

Regular Session

CONSENT 1 Pgs. 1-11: Except 03-R-0321;

Adopt

YEAS:	12
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	4
EXCUSED:	0
ABSENT	0

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

3/03/03 FULL COUNCIL MEETING	
Items Adopted on the Consent Agenda	**Items Adversed on the Consent Agenda**
1. 03-O-0154	32. 03-R-0244
2. 03-O-0155	33. 03-R-0246
3. 03-O-0156	34. 03-R-0247
4. 03-O-0157	35. 03-R-0248
5. 03-O-0158	36. 03-R-0249
6. 03-O-0159	36.03-R-0250
7. 03-O-0227	37.03-R-0251
8. 03-O-0230	38.03-R-0252
9. 03-O-0231	39. 03-R-0253
10. 03-O-0278	40. 03-R-0254
11. 03-R-0232	41. 03-R-0255
12. 03-R-0285	42. 03-R-0256
13. 03-R-0216	43. 03-R-0257
14. 03-R-0222	44. 03-R-0258
15. 03-R-0309	45. 03-R-0259
16. 03-R-0226	46. 03-R-0260
17. 03-R-0283	47. 03-R-0261
18. 03-R-0284	48. 03-R-0262
19. 03-R-0324	49. 03-R-0263
20. 03-R-0237	50. 03-R-0264
21. 03-R-0238	51. 03-R-0265
22. 03-R-0239	52. 03-R-0266
23. 03-R-0240	53. 03-R-0267
24. 03-R-0241	54. 03-R-0268
25. 03-R-0242	55. 03-R-0269
26. 03-R-0243	56. 03-R-0270
27. 03-R-0245	57. 03-R-0271
28. 03-R-0279	58. 03-R-0272
29. 03-R-0280	59. 03-R-0273
30. 03-R-0281	60. 03-R-0274
31. 03-R-0282	61. 03-R-0275
	62. 03-R-0276
	63. 03-R-0277

Consent I Vote: 12Yeas; 0 Nays: (See RCS #4504)
Item Removed from the Consent Agenda: 03-R-0321