Entered – 05/28/02 - sb
CL 02L0375 - GWENDOLYN BURNS

CLAIM OF: DAMION GORDON
427 Symmor Crossing
Dunwood, Georgia 30350

03- R -0507

CERTIFIED
APR 21 2003
COUNCIL PRESIDENT PROTEM

For vehicular damages alleged to have been sustained from driving over a open manhole on June 28, 2002 at the intersection of Metropolitan Parkway, SW and Lillian Street.

THIS ADVERSED REPORT IS APPROVED

BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

CERTIFIED
APR 21 2003
MUNICIPAL CLERK

ADVERSED BY
COUNCIL 4/21/03

ADVERSE REPORT
COMM: Public Safety
DATE: 4/1/03
CHAIR:
Clay Norwood
C. T. Martin
Cleta Winslow
H. L. Hill

CITY OF ATLANTA
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) 658-6273

April 29, 2003

Damion Gordon
427 Symmor Crossing
Dunwood, GA 30350

03-R-0507

Dear Mr. Gordon:

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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0375 Date: March 18, 2003

Claimant /Victim **DAMION GORDON**
BY: (Atty) (Ins. Co.)
Address: 427 Summor Crossing, Dunwoody, Georgia 30350
Subrogation: _____ Claim for Property damage $ 2,257.97 Bodily Injury $ _____
Date of Notice: 5/20/02 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 4/28/02 Place: Metropolitan Parkway & Lillian Street
Department _____ Division _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant's vehicle sustained damage when he drove over a open manhole in the roadway. However, an investigation determined that the City did not have notice of the condition prior to the date of claimant's incident.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other X
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ 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,

INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay $ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2P01 _____ 2H01 ___
Claims Manager: _____ Concur/date 03-2003
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 4616
4/21/03
2:23 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-19; Except 03-O-0441; 03-O-0391

Adopt

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

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	B Woolard

4/21/03 FULL COUNCIL MEETING

Items Adopted on the Consent Agenda

1. 03-O-0186
2. 03-O-0350
3. 03-O-0401
4. 03-O-0442
5. 03-O-0438
6. 03-O-0445
7. 03-O-0446
8. 03-O-0443
9. 03-O-0450
10. 03-O-0485
11. 03-O-0399
12. 03-O-0369
13. 03-O-0416
14. 03-O-0193
15. 03-O-0355
16. 03-O-0359
17. 03-O-0360
18. 03-O-0436
19. 02-O-1543
20. 03-O-0432
21. 03-O-0433
22. 03-O-0434
23. 03-R-0444
24. 03-R-0530
25. 03-R-0531
26. 03-R-0532
27. 03-R-0533
28. 03-R-0534
29. 03-R-0535
30. 03-R-0536
31. 03-R-0537
32. 03-R-0538
33. 03-R-0546
34. 03-R-0577
35. 03-R-0390
36. 03-R-0451
37. 03-R-0571
38. 03-R-0549
39. 03-R-0555
40. 03-R-0556
41. 03-R-0558
42. 03-R-0559
43. 03-R-0560
44. 03-R-0561
45. 03-R-0562
46. 03-R-0563
47. 03-R-0564
48. 03-R-0572
49. 03-R-0588
50. 03-R-0589
51. 03-R-0590
52. 03-R-0448
53. 03-R-0454
54. 03-R-0528
55. 03-R-0529
56. 03-R-0569
57. 03-R-0570
58. 03-R-0591
59. 03-R-0592
60. 03-R-0217
61. 03-R-0539
62. 03-R-0541
63. 03-R-0542
64. 03-R-0566
65. 03-R-0593
66. 03-R-0544
67. 03-R-0545
68. 03-R-0565
69. 03-R-0496
70. 03-R-0497
72. 03-R-0498
73. 03-R-0499
74. 03-R-0500
75. 03-R-0501
76. 03-R-0502
77. 03-R-0503
78. 03-R-0504
79. 03-R-0505
80. 03-R-0506

Items Adversed on the Consent Agenda

81. 03-R-0507
82. 03-R-0508
83. 03-R-0509
84. 03-R-0510
85. 03-R-0511
86. 03-R-0512
87. 03-R-0513
88. 03-R-0514
89. 03-R-0515
90. 03-R-0516
91. 03-R-0517
92. 03-R-0518
93. 03-R-0519
94. 03-R-0520
95. 03-R-0521
96. 03-R-0522
97. 03-R-0523
98. 03-R-0524
99. 03-R-0525
100. 03-R-0526
101. 03-R-0527

Consent I Vote: 15Yeas; 0 Nays: (See RCS #4616)

Items Removed from the Consent Agenda: 03-O-0441 & 03-O-0391