

Entered - 02/03/03 - sb
CL03L0093 - DIANNE C. MITCHELL

03-R-0743

CLAIM OF: LEONARD J. RUBIN
90 West Wieuca Road
Suite 103
Atlanta, Georgia 30342

CERTIFIED
MAY 19 2003
ATLANTA CITY COUNCIL PRESIDENT
Catherine W. Woodward

For damages alleged to have been sustained as a result of vehicular damage due to an unraised manhole on November 20, 2002 at Roswell Road and Wieuca Road.

THIS ADVERSED REPORT IS APPROVED

BY:

[Signature]
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

CERTIFIED
MAY 19 2003
Municipal Clerk
Rose Douglas Johnson

Adversed By
Council 5-19-03

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: *5/13/03*

CHAIR: *[Signature]*

[Signature]

C. T. Martin

[Signature]

[Signature]

[Signature]

[Signature]



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

May 27, 2003

Leonard J. Rubin
90 West Wieuca Road
Suite 103
Atlanta, GA 30342

03-R-0743

Dear Mr. Rubin:

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 May 19, 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. 03L0093

Date: April 21, 2003

Claimant /Victim LEONARD J. RUBIN

BY: (Atty)(Ins. Co.)

Address: 90 West Wieuca Road, Suite 103, Atlanta, Georgia 30342

Subrogation: Claim for Property damage \$ 2,509.86 Bodily Injury \$

Date of Notice: 01/14/03 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 11/20/02 Place: Roswell Road at Wieuca Road

Department Public Works Bureau: Technical Services

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant damaged his vehicle when he drove over an unraised manhole. The investigation determined that a contractor working for the City had cut around the manhole, but failed to repair same. The claim has been forwarded to the contractor for handling and the claimant has been advised of this action.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures X Diagrams Reports: Police Dept Report 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 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,

[Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01

Claims Manager: [Signature] Concur/date 04-30-03

Committee Action: Council Action

5/19/03 FULL COUNCIL MEETING

Items Adopted on the Consent Agenda

1. 03-O-0601
2. 03-O-0551
3. 03-O-0552
4. 03-O-0600
5. 03-O-0554
6. 03-O-0617
7. 03-O-0632
8. 03-O-0633
9. 03-O-0660
10. 03-O-0772
11. 03-O-0628
12. 03-O-0759
13. 03-R-0655
14. 03-R-0700
15. 03-R-0701
16. 03-R-0704
17. 03-R-0784
18. 03-R-0785
19. 03-R-0707
20. 03-R-0708
21. 03-R-0709
22. 03-R-0718
23. 03-R-0782
24. 03-R-0713
25. 03-R-0714
26. 03-R-0716
27. 03-R-0760
28. 03-R-0768
29. 03-R-0774
30. 03-R-0776
31. 03-R-0779
32. 03-R-0722
33. 03-R-0723
34. 03-R-0724
35. 03-R-0725

**Items Adversed on the
Consent Agenda**

36. 03-R-0726
37. 03-R-0727
38. 03-R-0728
39. 03-R-0729
40. 03-R-0730
41. 03-R-0731
42. 03-R-0732
43. 03-R-0733
44. 03-R-0734
45. 03-R-0735
46. 03-R-0736
47. 03-R-0737
48. 03-R-0738
49. 03-R-0739
50. 03-R-0740
51. 03-R-0741
52. 03-R-0742
53. 03-R-0743
54. 03-R-0744
55. 03-R-0745
56. 03-R-0746
57. 03-R-0747
58. 03-R-0748
59. 03-R-0749
60. 03-R-0750
61. 03-R-0783

Consent I Vote: 13Yeas; 0 Nays: (See RCS #4717)

Items Removed from the Consent Agenda: 03-O-0456; 03-R-0598; 03-R-0703; 03-R-0773; 03-R-0788