Entered 8-22-03 - sb
CL 03L0688 GWENDOLYN BURNS

04-R-0101

CLAIM OF: FERNANDO JARDIM
277 Prospect Place, NE
Atlanta, Georgia 30312

FEB 0 2 2004

For vehicular damages alleged to have been sustained from driving over a construction site that was left in an unsafe manner on July 15, 2003 at 1447 Piedmont Avenue, NE.

THIS ADVERSED REPORT IS APPROVED

BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

FEB 0 2 2004
MUNICIPAL CLERK

VN **FAVORABLE REPORT**
PUBLIC SAFETY &
LEGAL ADM
DATE 1/27/04
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

February 6, 2004

Fernando Jardim
277 Prospect Place, NE
Atlanta, GA 30312

04-R-0101

Dear Mr. Jardim:

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 February 02, 2004. 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. 03L0731 Date: January 14, 2004

Claimant /Victim **FERNANDO JARDIM**
BY: (Atty) (Ins. Co.)
Address: 277 Prospect Place, NE, Atlanta, Georgia 30312
Subrogation: _____ Claim for Property damage $ 345.36 Bodily Injury $ _____
Date of Notice: 8/21/03 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 7/15/03 Place: 1447 Piedmont Avenue, NE
Department _____ Division _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that his vehicle sustained damage when he drove over an improperly covered construction site in the roadway. An investigation determined that Atlanta Gas Light Company was responsible for the road defect. The claimant has been so advised and his claim has been forwarded to Atlanta Gas Light Company 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,

INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay $ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2P01 _____ 2H01 ___
Claims Manager: _____ Concur/date 01/15/04
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 5372
2/02/04
1:41 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-14 EXCEPT; 04-R-0185, 04-R-0186
ADOPT

YEAS:	14
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	2
EXCUSED:	0
ABSENT	0

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

CONSENT I

ITEMS ADOPTED ON CONSENT

1. 04-O-0033
2. 04-O-0037
3. 04-O-0151
4. 04-O-0159
5. 04-O-0153
6. 04-R-0176
7. 04-R-0133
8. 04-R-0178
9. 04-R-2123
10. 04-R-0135
11. 04-R-0136
12. 04-R-0137
13. 04-R-0138
14. 04-R-0139
15. 04-R-0145
16. 04-R-0146
17. 04-R-0147
18. 04-R-0148
19. 04-R-0149
20. 04-R-0150
21. 04-R-0154
22. 04-R-0160
23. 04-R-0161
24. 04-R-0162
25. 04-R-0164
26. 04-R-0184
27. 04-R-0140
28. 04-R-0170
29. 04-R-0076
30. 04-R-0077
31. 04-R-0078
32. 04-R-0079
33. 04-R-0080
34. 04-R-0081
35. 04-R-0082
36. 04-R-0083
37. 04-R-0084
38. 04-R-0085
39. 04-R-0086
40. 04-R-0087

ITEMS ADOPTED ON CONSENT

41. 04-R-0088
42. 04-R-0089
43. 04-R-0090
44. 04-R-0091
45. 04-R-0092
46. 04-R-0093
47. 04-R-0094

ITEMS ADVERSED ON CONSENT

48. 04-R-0096
49. 04-R-0097
50. 04-R-0098
51. 04-R-0099
52. 04-R-0100
53. 04-R-0101
54. 04-R-0102
55. 04-R-0103
56. 04-R-0104
57. 04-R-0105
58. 04-R-0106
59. 04-R-0107
60. 04-R-0108
61. 04-R-0109
62. 04-R-0110
63. 04-R-0111
64. 04-R-0112
65. 04-R-0113
66. 04-R-0114
67. 04-R-0115
68. 04-R-0116
69. 04-R-0117
70. 04-R-0118
71. 04-R-0119
72. 04-R-0120
73. 04-R-0121
74. 04-R-0122
75. 04-R-0123
76. 04-R-0124