

00-*L*-1263

Entered - 11/19/99 - sb
CL 99L0783 -GWENDOLYN BURNS

CLAIM OF: Kevin Lvert
6207 Peachford Circle
Dunwoody, GA 30338

For damages alleged to have been sustained as a result of a vehicular incident due to road construction on November 4, 1999 at Williams Street and Spring Street.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

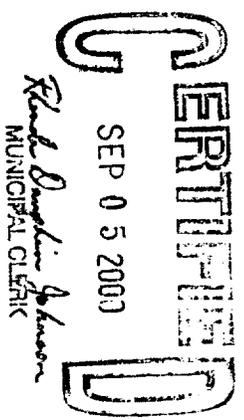
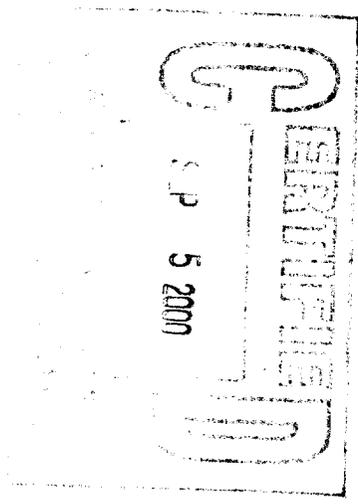
CONSENT AGENDA

City of Atlanta
Office of the
City Attorney

COM. Public Safety
DATE 8/15/2000

City of Atlanta
William J. ...
[Signature]

ADVERSED CITY OCCURRED SEP 05 2000





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

September 18, 2000

Kevin Levert
6207 Peachford Circle
Dunwoody, GA 30338

00-R-1263

Dear Mr. Levert:

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 September 05, 2000. 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.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0783

Date: August 3, 2000

Claimant /Victim KEVIN LEVERT
BY: (Atty) (Ins. Co.)
Address: 6207 Peachford Circle, Dunwoody, Georgia 30338
Subrogation: Claim for Property damage \$ Bodily Injury \$ unspecified
Date of Notice: 11/15/99 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/4/99 Place: Williams Street & Spring Street
Department PUBLIC WORKS Division STREET
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that his vehicle sustained damage when he drove over a construction site in the roadway that was left open and in an unsafe condition. An investigation determined that an outside contractor performed work at the incident location. Claimant has been advised of same and his claim has been forwarded to the contractor 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 X 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,

[Signature]
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: [Signature] Concur/date 08/04/00
Committee Action: Adverse to CC on 9/5/00 Council Action

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Reeves
11/17/99
[Signature]

Today's Date: 11/11/99
ENTERED - 11-19-99 / SE
99L0783 - MIKE REEVES

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 678.10 property and/or \$ N/A bodily injury for which I contend the City is liable.

1. Date of incident: 11 4 99 (month/day/year)
2. Police called: _____ Yes No
3. Location of incident: ~~SPRING CREEK RD~~ WALKER ST NW (see description)
4. Name of your insurance company: ALLSTATE Policy No. 615 91876
5. State what and how incident occurred: STATEMENT ON NEXT PAGE

6. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

7. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: MAZDA 86 371 HDM LEIBERT, KEVAN D.
(make) (year) (tag number) (driver's name)

City vehicle: _____
(make) (City driver's name) (department/bureau)

8. Witness: _____
(name) (address) (telephone number)

9. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

10. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

KEVAN D. LEIBERT
(claimant's name)

6207 PEACHFORD CIRCLE
(address)

DUNWOODY, GA 30338
(city and state)

770-913-5239 770-457-8224
(work number) (home number)

On November 4th 1999, I was on my way to the opening Basketball game at Phillips Arena . When proceeding down Springs Street NW, I made a left turn onto William's Street NW . There was standing water on the road. As I proceeded to go over this water the front and rear of my vehicle slammed to the ground ; damaging my cars suspension , wheel alignment, and bending one of my front rims. I was unable to see what had caused this damage until the weekend. When returning to the site, I discovered the damage was done by an uncovered hole in the road. There was no sign posted on the evening of the game to warn you of any roadwork being done. I have included pictures that show the hole and the depth at which my vehicle went into this manhole.

*Thanks,
Kevin Levert*

*6207 Peachford Circle
Dunwoody, Ga 30338*

*Hm. 770-457-8224
Wk. 770-913-5739*

RCS# 2194
9/05/00
2:17 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-12

Adopt

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas	ITEM (S) REMOVED FROM <u>CONSENT AGENDA</u> 00-O-1007 00-R-1309
Y Starnes	NV Woolard	Y Martin	Y Emmons	
NV Bond	Y Morris	Y Maddox	Y Alexander	
Y Winslow	Y Muller	Y Boazman	NV Pitts	

CONSENT

09/05/00 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1102	40. 00-R-1235
2. 00-O-1143	41. 00-R-1245
3. 00-O-1207	42. 00-R-1246
4. 00-O-1295	43. 00-R-1247
5. 00-O-1303	44. 00-R-1248
6. 00-O-1313	45. 00-R-1249
7. 00-O-1124	46. 00-R-1250
8. 00-O-1125	47. 00-R-1251
9. 00-O-1126	48. 00-R-1252
10. 00-O-1127	49. 00-R-1253
11. 00-O-1128	50. 00-R-1254
12. 00-O-1133	51. 00-R-1255
13. 00-O-1196	52. 00-R-1256
14. 00-O-1298	53. 00-R-1257
15. 00-O-1122	54. 00-R-1258
16. 00-O-1300	55. 00-R-1259
17. 00-R-1198	56. 00-R-1260
18. 00-R-1230	57. 00-R-1261
19. 00-R-1290	58. 00-R-1262
20. 00-R-1312	59. 00-R-1263
21. 00-R-1316	60. 00-R-1264
22. 00-R-1265	
23. 00-R-1266	
24. 00-R-1267	
25. 00-R-1268	
26. 00-R-1270	
27. 00-R-1314	
28. 00-R-1229	
29. 00-R-1233	
30. 00-R-0886	
31. 00-R-1236	
32. 00-R-1237	
33. 00-R-1238	
34. 00-R-1239	
35. 00-R-1240	
36. 00-R-0241	
37. 00-R-1242	
38. 00-R-1243	
39. 00-R-1244	