

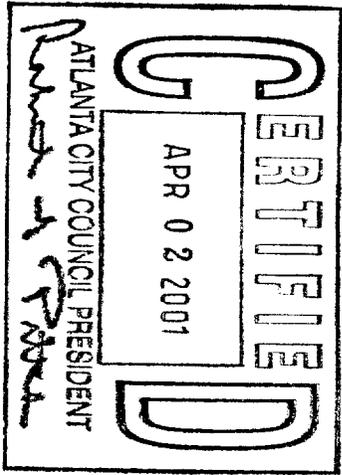
Entered - 03/02/01 - sb  
CL01L0139 - DIANNE C. MITCHELL

CLAIM OF: **FELICIA WALTHOUR**  
**5879 Ruby Walk**  
**Rex, Georgia 30273**

01-R-0512

For damages alleged to have been sustained as a result of vehicular damage due to a pothole on January 19, 2001 at North Druid Hills Road and Druid Hills Road.

THIS ADVERSED REPORT IS APPROVED



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



ADVERSED BY  
CITY COUNCIL APR 02 2001

ADVERSE REPORT

COMM. P.S.L.A. \_\_\_\_\_

DATE 3/27/01 \_\_\_\_\_

V. C. Chela Arisbon  
Henry [unclear]  
Michael [unclear]  
[unclear]



## 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

April 18, 2001

Felicia Walthour  
5879 Ruby Walk  
Rex, Georgia 30273

01-R-0512

Dear Ms. Walthour:

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 April 02, 2001. 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. 01L0139

Date: March 15, 2001

Claimant /Victim FELICIA WALTHOUR

BY: (Atty) (Ins. Co.)

Address: 5879 Ruby Walk, Rex, Georgia 30273

Subrogation: Claim for Property damage \$ 85.96 Bodily Injury \$

Date of Notice: 02/26/01 Method: Written, proper X Improper

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

Date of Occurrence 01/19/01 Place: North Druid Hills Road and Druid Hills Road

Department Division:

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that her vehicle was damaged when she drove over a pothole in the roadway. The investigation determined that the area where the incident occurred is outside the Atlanta City limits. The claimant has been advised to pursue her claim with Dekalb County.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures 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

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

Claims Manager: [Signature] Concur/date 03-15-01

Committee Action: Council Action

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

FEB 26 2001

RE: CLAIM FOR DAMAGES

Today's Date: January 23, 01

M. Felice  
03/01/01

ENTERED - 3-2-01 - SB  
01L0139 - DIANNE MITCHELL

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 25.96 property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: 01/19/01 (month/day/year) 2. Time of Incident: 4:30pm 3. Police called:  Yes  No

4. Location of incident (including street address): Intersect/cross street of West and North David Hills in front of DAVE CARNEGIE training center under the traffic light on the right

5. Name of your insurance company: Nationwide Insurance Policy No. 77P273144

6. State what and how incident occurred: Made a left turn off of W. David Hills onto N. David Hills front right wheel caught the huge pot hole in the street which blew out the tire.

7. 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!

8. 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: Hyundai (Make) 200 (Year) 222 MZW (Tag Number) Felicia Walkhore (Driver's Name)

City vehicle: \_\_\_\_\_ (Make) \_\_\_\_\_ (City Driver's Name) \_\_\_\_\_ (Department/Bureau)

9. Witness: \_\_\_\_\_ (Name) \_\_\_\_\_ (Address) \_\_\_\_\_ (Telephone Number)

10. The acknowledgment 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).

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

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

Felice  
Signature of Claimant

Felicia Walkhore  
(Print Claimant's Name)

5879 Ruby Walk  
(Address)

Rex, GA 30273  
(City, State and Zip Code)

(404) 978-2074 (678) 289-6605  
(Work Number) (Home Number)

01-R-0512

RCS# 2775  
4/02/01  
2:17 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 13

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

Unanimous

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	B Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	B Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
01-O-0345  
01-O-0526  
01-R-0541

CONSENT

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04/02/01 Council Meeting

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**ITEMS ADOPTED ON  
CONSENT AGENDA**

1. 01-O-0225
2. 01-O-0534
3. 01-O-0528
4. 01-O-0539
5. 01-O-0530
6. 01-O-0531
7. 01-R-0527
8. 99-R-2071
9. 01-R-0368
10. 01-R-0481
11. 01-R-0536
12. 01-R-0537
13. 01-R-0550
14. 01-R-0484
15. 01-R-0485
16. 01-R-0486
17. 01-R-0487
18. 01-R-0293
19. 01-R-0425
20. 01-R-0457
21. 01-R-0418
22. 01-R-0483
23. 01-R-0549
24. 01-R-0500
25. 01-R-0501
26. 01-R-0502
27. 01-R-0503
28. 01-R-0504
29. 01-R-0505
30. 01-R-0506
31. 01-R-0507
32. 01-R-0508

**ITEMS ADVERSED  
ON CONSENT AGENDA**

33. 01-R-0509
  34. 01-R-0510
  35. 01-R-0511
  36. 01-R-0512
  37. 01-R-0513
  38. 01-R-0514
  39. 01-R-0515
  40. 01-R-0516
  41. 01-R-0517
  42. 01-R-0518
  43. 01-R-0519
  44. 01-R-0520
  45. 01-R-0521
  46. 00-R-1361
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