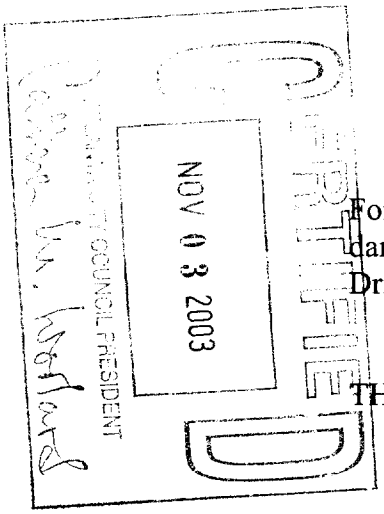
Entered - 11/21/02 - sb
CL02L0839 - DIANNE C. MITCHELL

CLAIM OF: **RHONDA LEVITT**
**131 John Hope Drive**
**Apt. 143**
**Atlanta, Georgia 30314**

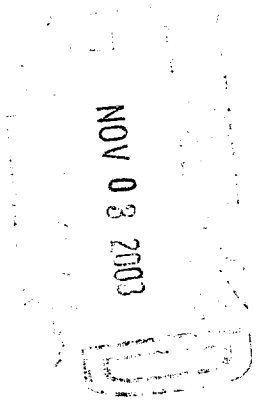
**03- R-1757**




For damages alleged to have been sustained as a result of vehicular damage due to a flood on September 22, 2002 at 131 John Hope Drive.

THIS ADVERSED REPORT IS APPROVED

BY: _____
**JERRY L. DELOACH**
**DEPUTY CITY ATTORNEY**




NOV 03 2003

**ADVERSE REPORT**
SAFETY &
ADMINISTRATION COMMITTEE
DATE P. S.
CHAIR 10/28/03

# 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

November 10, 2003

Rhonda Levitt
131 John Hope Drive
Apt. 143
Atlanta, Georgia 30314

**03-R-1757**

Dear Ms. Levitt:

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 November 3, 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.**

Sincerely,

Rhonda Dauphin Johnson

Rhonda Dauphin Johnson, CMC
Municipal Clerk

**cc: Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. **02L0839** Date: October 10, 2003

Claimant /Victim **RHONDA LEVITT**
BY: (Atty.)Ins. Co.)
Address: 131 John Hope Drive, Apt. 143, Atlanta, Georgia 30314
Subrogation: _____ Claim for Property damage $ **1,200.00** Bodily Injury $ _____
Date of Notice: 11/18/02 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 09/21/02 Place: 131 John Hope Drive
Department **Watershed Management** Division: **Sewer Operations**
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that her vehicle was damaged due to a flood on the above date and location. The investigation determined that the flooding was due to a heavy amount of rainfall. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

**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 X Ministerial _____
Improper Notice _____ More than Six Months _____ Other X 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 - DIANNE C. MITCHELL**

**RECOMMENDATION:**

Pay $ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____ 2P01 _____
Claims Manager: _____ Concur/date 10/10/03
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 5122
11/03/03
1:40 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-18 EXCEPT:03-R-1860,
03-O-1653, 03-R-1676
ADOPT

| | |
|---|---|
| YEAS: | 11 |
| NAYS: | 0 |
| ABSTENTIONS: | 0 |
| NOT VOTING: | 2 |
| EXCUSED: | 0 |
| ABSENT | 3 |

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

RCS# 5123
11/03/03
1:41 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I 03-R-1860

ADOPT

| | |
|---|---|
| YEAS: | 10 |
| NAYS: | 0 |
| ABSTENTIONS: | 1 |
| NOT VOTING: | 2 |
| EXCUSED: | 0 |
| ABSENT | 3 |

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

RCS# 5124
11/03/03
1:42 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I 03-R-1676

ADOPT

| | |
|---|---|
| YEAS: | 9 |
| NAYS: | 0 |
| ABSTENTIONS: | 1 |
| NOT VOTING: | 3 |
| EXCUSED: | 0 |
| ABSENT | 3 |

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

| ITEMS ADOPTED ON CONSENT | ITEMS ADOPTED ON CONSENT | ITEMS ADVERSED ON CONSENT |
|---|---|---|
| 1. 03-O-1721 | 41. 03-R-1869 | 80. 03-R-1765 |
| 2. 03-O-1723 | 42. 03-R-1870 | 81. 03-R-1766 |
| 3. 03-O-1835 | 43. 03-R-1873 | 82. 03-R-1767 |
| 4. 03-O-1848 | **Items Adversed on Consent** | 83. 03-R-1768 |
| 5. 03-O-1678 | 44. 03-R-1729 | 84. 03-R-1769 |
| 6. 03-O-1679 | 45. 03-R-1730 | 85. 03-R-1770 |
| 7. 03-O-1680 | 46. 03-R-1731 | 86. 03-R-1771 |
| 8. 03-O-1681 | 47. 03-R-1732 | 87. 03-R-1772 |
| 9. 03-O-1682 | 48. 03-R-1733 | 88. 03-R-1773 |
| 10. 03-O-1683 | 49. 03-R-1734 | 89. 03-R-1774 |
| 11. 03-O-1684 | 50. 03-R-1735 | 90. 03-R-1775 |
| 12. 03-O-1494 | 51. 03-R-1736 | 91. 03-R-1776 |
| 13. 03-O-1651 | 52. 03-R-1737 | 92. 03-R-1777 |
| 14. 03-O-1652 | 53. 03-R-1738 | 93. 03-R-1778 |
| 15. 03-O-1689 | 54. 03-R-1739 | 94. 03-R-1779 |
| 16. 03-O-1700 | 55. 03-R-1740 | 95. 03-R-1780 |
| 17. 03-O-1701 | 56. 03-R-1741 | 96. 03-R-1781 |
| 18. 03-O-1829 | 57. 03-R-1742 | 97. 03-R-1782 |
| 19. 03-O-1695 | 58. 03-R-1743 | 98. 03-R-1783 |
| 20. 03-O-1375 | 59. 03-R-1744 | 99. 03-R-1784 |
| 21. 03-O-1511 | 60. 03-R-1745 | 100. 03-R-1785 |
| 22. 03-O-1666 | 61. 03-R-1746 | 101. 03-R-1786 |
| 23. 03-O-1667 | 62. 03-R-1747 | 102. 03-R-1787 |
| 24. 03-O-1838 | 63. 03-R-1748 | 103. 03-R-1788 |
| 25. 03-R-1504 | 64. 03-R-1749 | 104. 03-R-1789 |
| 26. 03-R-1658 | 65. 03-R-1750 | 105. 03-R-1790 |
| 27. 03-R-1808 | 66. 03-R-1751 | 106. 03-R-1791 |
| 28. 03-R-1860 | 67. 03-R-1752 | 107. 03-R-1792 |
| 29. 03-R-1861 | 68. 03-R-1753 | 108. 03-R-1793 |
| 30. 03-R-1815 | 69. 03-R-1754 | 109. 03-R-1794 |
| 31. 03-R-1816 | 70. 03-R-1755 | 110. 03-R-1795 |
| 32. 03-R-1817 | 71. 03-R-1756 | 111. 03-R-1796 |
| 33. 03-R-1676 | 72. 03-R-1757 | 112. 03-R-1797 |
| 34. 03-R-1800 | 73. 03-R-1758 | 113. 03-R-1798 |
| 35. 03-R-1804 | 74. 03-R-1759 | 114. 03-R-1799 |
| 36. 03-R-1866 | 75. 03-R-1760 | 115. 03-R-1840 |
| 37. 03-R-1668 | 76. 03-R-1761 | 116. 03-R-1003 |
| 38. 03-R-1810 | 77. 03-R-1762 | |
| 39. 03-R-1811 | 78. 03-R-1763 | |
| 40. 03-R-1863 | 79. 03-R-1764 | |