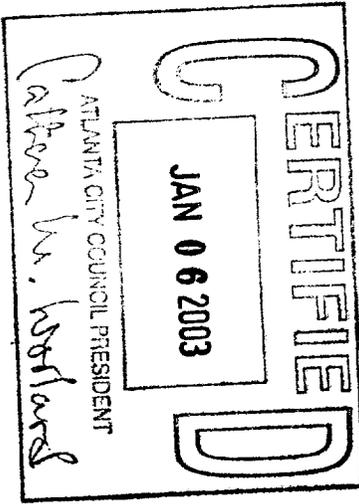


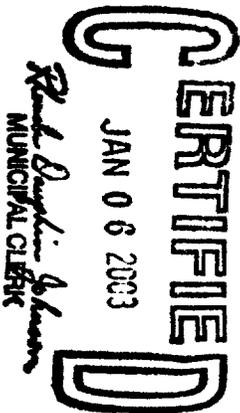
Entered 08-22-02 - sb  
CL 02L0601 - GWENDOLYN BURNS

02-*R*-2147



**CLAIM OF: BRENT M. RUNNELS  
FRANCES LEVINE**  
through their attorney,  
**William B. Brown, Esq.**  
**Heyman & Sizemore LLC**  
Suite 300  
340 Interstate North Parkway  
Atlanta, Georgia 30339

For damages alleged to have been sustained due to the City's sewer line that is located underneath the residence at 1035 Austin Avenue on May 8, 2002 .



THIS ADVERSED REPORT IS  
APPROVED

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

ADVERSED BY CITY COUNCIL JAN 06 2003

### ADVERSE REPORT

COMM: \_\_\_\_\_  
DATE: \_\_\_\_\_  
CHAIR: \_\_\_\_\_  
*Carla Smith*  
\_\_\_\_\_  
*C. Tillman*  
\_\_\_\_\_  
*Herb Smith*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## 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

January 14, 2003

William B. Brown  
Attorney at Law  
340 Interstate North Parkway  
Suite 300  
Atlanta, GA 30339

02-R-2147

RE: Brent M. Runnels and Frances Levine

Dear Attorney Brown:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her 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 client's claim at its regular meeting on January 03, 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. 02L0601

Date: November 26, 2002

Claimant /Victim BRENT M. RUNNELS AND FRANCES LEVINE
BY: (Atty) (Ins. Co.) William B. Brown, Esq., Heyman & Sizemore, LLC
Address: Suite 300, 340 Interstate North Parkway, Atlanta, Georgia 30339
Subrogation: Claim for Property damage \$ unspecified Bodily Injury \$
Date of Notice: 8/16/02 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 5/8/02 Place: 1035 Austin Avenue
Department PUBLIC WORKS Division Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimants allege that the City is trespassing on the above-referenced property whereas a City sewer line exists beneath the surface of the property with no visible signs of evidence on the surface of the land and no recorded easement. However, the claimants have filed a lawsuit to resolve the issues of this claim.

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 Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2P01 2H01
Claims Manager: Concur/date 11-27-02
Committee Action: Council Action

RCS# 4344  
1/06/03  
2:10 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-7; Except 02-O-1853; 02-R-1770  
02-R-2007; 02-R-2056  
ADOPT

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 5  
EXCUSED: 0  
ABSENT 0

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

CONSENT I

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**1/06/03 Council Meeting**

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**ITEMS ADOPTED ON CONSENT  
AGENDA**

1. 02-O-2008
2. 02-O-2071
3. 02-O-2175
4. 02-O-2170
5. 02-O-2171
6. 02-O-2024
7. 02-O-2172
8. 02-R-2130
9. 02-R-2157
10. 02-R-2158
11. 02-R-2159
12. 02-R-2186
13. 02-R-1964
14. 02-R-1965
15. 02-R-2067
16. 02-R-2134
17. 02-R-2135
18. 02-R-2136
19. 02-R-2137
20. 02-R-2138
21. 02-R-2139
22. 02-R-2140
23. 02-R-2141

**ITEMS ADVERSED ON CONSENT  
AGENDA**

24. 02-R-2142
25. 02-R-2143
26. 02-R-2144
27. 02-R-2145
28. 02-R-2146
29. 02-R-2147
30. 02-R-2148
31. 02-R-2149
32. 02-R-2150
33. 02-R-2151
34. 02-R-2152
35. 02-R-2153
36. 02-R-2154
37. 02-R-2155
38. 02-R-2156

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Consent I Vote: 11 Yeas; 0 Nays (See RCS #4344)

Items Removed from the Consent Agenda: 02-O-1853; 02-R-1770; 02-R-2007; 02-R-2056