

Entered -02-27-02 - sb  
CL 02L0171 - GWENDOLYN BURNS

CLAIM OF:

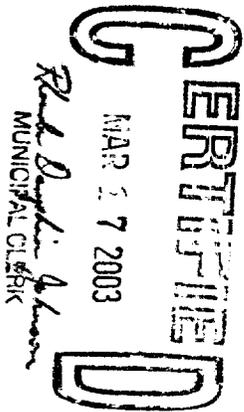
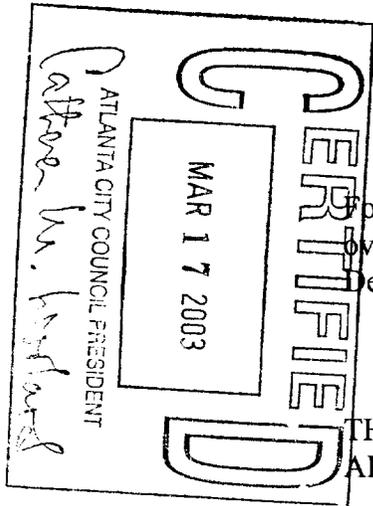
LEON SIMMONS  
2141 Springdale Road  
Atlanta, Georgia 30315

03-*ℓ*-0341

for vehicular damages alleged to have been sustained from driving  
over a depression in the road on February 6, 2002 at Ponce  
De Leon Avenue, NE & West Peachtree Street.

THIS ADVERSED REPORT IS  
APPROVED

BY: \_\_\_\_\_  
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY



ADVERSE REPORT

COMM: Public Safety

DATE: 3/13/03

CHAIR: \_\_\_\_\_

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## 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

March 26, 2003

Leon Simmons  
2141 Springdale Road  
Atlanta, GA 30315

03-R-0341

Dear Mr. Simmons:

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 March 17, 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. 02L0171

Date: February 24, 2003

Claimant /Victim LEON SIMMONS
BY: (Atty) (Ins. Co.)
Address: 2141 Springdale, Road, Atlanta, Georgia 30315
Subrogation: Claim for Property damage \$ 546.06 Bodily Injury \$
Date of Notice: 2/14/02 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 2/6/02 Place: Ponce de Leon Avenue & West Peachtree Street, NE
Department Division
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that his vehicle sustained damage when he drove over a depression in the road. However, Ponce de Leon Avenue, NE is a state route and is operated and maintained by the State of Georgia, Department of Transportation. The claimant has been so advised and his claim has been forwarded to the State of Georgia 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 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 2P01 2H01
Claims Manager: [Signature] Concur/date 02-26-03
Committee Action: Council Action



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**3/17/03 FULL COUNCIL MEETING**

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**Items Adopted on the  
Consent Agenda**

1. 03-O-0408
2. 03-O-0392
3. 03-O-0305
4. 03-O-0380
5. 03-O-0388
6. 03-O-0234
7. 03-O-0228
8. 03-O-0229
9. 03-O-0385
10. 03-O-0386
11. 03-R-0348
12. 03-R-0349
13. 03-R-0351
14. 03-R-0352
15. 03-R-0597
16. 03-R-0353
17. 03-R-0354
18. 03-R-0190
19. 03-R-0346
20. 03-R-0361
21. 03-R-0417
22. 03-R-0356
23. 03-R-0357
24. 03-R-0358
25. 03-R-0370
26. 03-R-0371
27. 03-R-0372
28. 03-R-0373
29. 03-R-0374
30. 03-R-0383
31. 03-R-0387
32. 03-R-0325
33. 03-R-0326
34. 03-R-0327
35. 03-R-0328

**Items Adversed on the Consent  
Agenda**

36. 03-R-0329
37. 03-R-0330
38. 03-R-0331
39. 03-R-0332
40. 03-R-0333
41. 03-R-0334
42. 03-R-0335
43. 03-R-0347
44. 03-R-0415
45. 03-R-0336
46. 03-R-0337
47. 03-R-0338
48. 03-R-0339
49. 03-R-0340
50. 03-R-0341
51. 03-R-0342
52. 03-R-0343
53. 03-R-0344
54. 03-R-0345

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Consent I Vote: 12 Yeas; 0 Nays: (See RCS #4538)

Items Removed from the Consent Agenda: 03-O-0219; 03-O-0323; 03-O-0220; &  
03-O-0221