Entered - 04/15/03 - sb
CL - 03L0305 LISA CARTER

CERTIFIED
ATLANTA CITY COUNCIL PRESIDENT
SEP 02 2003

**CLAIM OF: ADRIA B. DAVENPORT**
**1265 Druid Knoll Drive**
**Atlanta, Georgia 30319**

**03-R-1250**

For injuries alleged to have been sustained as a result of tripping on a sidewalk on March 21, 2003 at 776 Highland Avenue.

THIS ADVERSED REPORT IS APPROVED

BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

CERTIFIED
MUNICIPAL CLERK
SEP 02 2003

# ADVERSE REPORT

PUBLIC SAFTEY &
LEGAL ADMINISTRATION COMMITTEE
DATE: 8/26/03
CHAIR:
C. T. Martin

ADVERSED
SEP 02 2003

# 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 8, 2003

Adria B. Davenport
1265ruid Knoll Drive
Atlanta, GA 30319

**03-R-1250**

Dear Ms. Davenport:

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 02, 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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

**cc: Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. **03L0305** Date: August 5, 2003

Claimant /Victim **ADRIA B. DAVENPORT**
BY: (Atty) (Ins. Co.) _____
Address: 1265 Druid Knoll Drive Atlanta, Georgia 30319
Subrogation: _____ Claim for Property damage $ _____ Bodily Injury $ 100.00
Date of Notice: 04/09/03 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 03/21/03 Place: 776 Highland Avenue
Department Public Works Bureau: Highways and Streets Division: _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that she sustained injuries as a result of tripping on a sidewalk at 776 Highland Avenue. However, the city was not on notice of the existence of the problem prior to the incident involving the claimant.

**INVESTIGATION:**

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures X 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 X
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,

Lisa Carter
INVESTIGATOR - LISA CARTER

**RECOMMENDATION:**

Pay $ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager: _____ Concur/date 08 26 03
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 4975
9/02/03
1:20 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PGS 1-18, EXCEPT;03-R-1310

ADOPT

| | |
|---|---|
| YEAS: | 14 |
| NAYS: | 0 |
| ABSTENTIONS: | 0 |
| NOT VOTING: | 2 |
| EXCUSED: | 0 |
| ABSENT | 0 |

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

CONSENT I

| | | 9/02/03 Full Council Meeting |
|---|---|---|
| **ITEMS ADOPTED ON CONSENT** | **ITEMS ADVERSED ON CONSENT** | **ITEMS ADVERSED ON CONSENT** |
| 1. 03-O-1175 | 44. 03-R-1220 | 81. 03-R-1258 |
| 2. 03-O-1351 | 45. 03-R-1221 | 82. 03-R-1259 |
| 3. 03-O-1166 | 46. 03-R-1222 | 83. 03-R-1260 |
| 4. 03-O-1167 | 47. 03-R-1223 | 84. 03-R-1261 |
| 5. 03-O-1355 | 48. 03-R-1224 | 85. 03-R-1262 |
| 6. 03-O-1203 | 49. 03-R-1225 | 86. 03-R-1263 |
| 7. 03-O-1204 | 50. 03-R-1226 | 87. 03-R-1264 |
| 8. 03-O-1205 | 51. 03-R-1227 | 88. 03-R-1265 |
| 9. 03-O-0827 | 52. 03-R-1228 | 89. 03-R-1266 |
| 10. 03-O-1357 | 53. 03-R-1229 | 90. 03-R-1267 |
| 11. 03-R-1338 | 54. 03-R-1230 | 91. 03-R-1268 |
| 12. 03-R-1312 | 55. 03-R-1231 | 92. 03-R-1269 |
| 13. 03-R-1313 | 56. 03-R-1232 | 93. 03-R-1270 |
| 14. 03-R-1353 | 57. 03-R-1234 | 94. 03-R-1271 |
| 15. 03-R-1202 | 58. 03-R-1235 | 95. 03-R-1272 |
| 16. 03-R-1301 | 59. 03-R-1236 | 96. 03-R-1273 |
| 17. 03-R-1320 | 60. 03-R-1237 | 97. 03-R-1274 |
| 18. 03-R-1321 | 61. 03-R-1238 | 98. 03-R-1275 |
| 19. 03-R-1322 | 62. 03-R-1239 | 99. 03-R-1276 |
| 20. 03-R-1331 | 63. 03-R-1240 | 100. 03-R-1277 |
| 21. 03-R-1332 | 64. 03-R-1241 | 101. 03-R-1278 |
| 22. 03-R-1333 | 65. 03-R-1242 | 102. 03-R-1279 |
| 23. 03-R-1334 | 66. 03-R-1243 | 103. 03-R-1280 |
| 24. 03-R-1314 | 67. 03-R-1244 | 104. 03-R-1281 |
| 25. 03-R-1318 | 68. 03-R-1245 | 105. 03-R-1282 |
| 26. 03-R-1325 | 69. 03-R-1246 | 106. 03-R-1283 |
| 27. 03-R-1327 | 70. 03-R-1247 | 107. 03-R-1284 |
| 28. 03-R-1328 | 71. 03-R-1248 | 108. 03-R-1285 |
| 29. 03-R-1288 | 72. 03-R-1249 | 109. 03-R-1286 |
| 30. 03-R-1289 | 73. 03-R-1250 | 110. 03-R-1287 |
| 31. 03-R-1290 | 74. 03-R-1251 | 111. 03-R-1304 |
| 32. 03-R-1291 | 75. 03-R-1252 | 112. 03-R-1305 |
| 33. 03-R-1292 | 76. 03-R-1253 | 113. 03-R-1306 |
| 34. 03-R-1293 | 77. 03-R-1254 | 114. 03-R-1307 |
| 35. 03-R-1294 | 78. 03-R-1255 | 115. 03-R-1308 |
| 36. 03-R-1295 | 79. 03-R-1256 | |
| 37. 03-R-1296 | 80. 03-R-1257 | |
| 38. 03-R-1297 | | |
| 39. 03-R-1298 | | |
| 40. 03-R-1299 | | |
| 41. 03-R-1300 | | |
| 42. 03-R-1302 | | |
| 43. 03-R-1303 | | |