

Entered 3-5-03 - sb
CL 03L0174 - GWENDOLYN BURNS

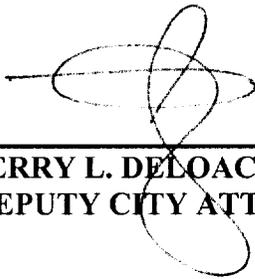
FEB 16 2004

04-*R*-0194

CLAIM OF: RUDINE MCDOWELL
1129 Wilkes Circle, #190
Atlanta, Georgia 30318

For bodily injuries alleged to have been sustained
from an open water meter on December 6, 2002 on
Donald Lee Hollowell Parkway, NW.

THIS ADVERSED REPORT IS
APPROVED



BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

FEB 16 2004

CERTIFIED
FEB 16 2004
Randa Brantley Johnson
MUNICIPAL CLERK

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 2/10/04
CHAIR: [Signature]
[Signature]
[Signature]



**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30303
(404) 330-6033
FAX (404) 658-6273**

February 25, 2004

Rudine McDowell
1129 Wilkes Circle
Apartment 190
Atlanta, GA 30318

04-R-0194

Dear Ms. McDowell:

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 February 16, 2004. 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. 03L0174

Date: January 26, 2004

Claimant /Victim RUDINE MCDOWELL
BY: (Atty) (Ins. Co.)
Address: 1129 Wilkes Circle, #190, Atlanta, Georgia 30318
Subrogation: Claim for Property damage \$ Bodily Injury \$ 115.00
Date of Notice: 3/5/03 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 12/6/02 Place: Donald Lee Hollowell Parkway
Department Division
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that she sustained bodily injuries when she stepped into an open water meter. However, an investigation determined that United Water Services Atlanta, Inc. was responsible for the open meter at the subject location. The claim has been forwarded to United Water Services Atlanta and is currently being resolved.

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
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 of Gwendolyn Burns]
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2P01 2H01
Claims Manager: [Signature] Concur/date 01/27/04
Committee Action: Council Action

RCS# 5424
2/16/04
2:55 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-12, EXCEPT:04-R-0242

ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 1
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

*Reconsidered
see
RCS# 5425*

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

CONSENT I

RCS# 5425
2/16/04
2:56 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-12, EXCEPT:04-R-0242

RECONSIDER

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

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

CONSENT I

2-16-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT
1. 04-O-0049	33. 04-R-0207
2. 04-O-0125	34. 04-R-0208
3. 04-O-0126	35. 04-R-0209
4. 04-O-0143	36. 04-R-0210
5. 04-O-0144	37. 04-R-0211
6. 04-O-0035	38. 04-R-0212
7. 04-O-0067	39. 04-R-0213
8. 04-O-0233	40. 04-R-0214
9. 04-O-0235	41. 04-R-0215
10. 04-O-0251	42. 04-R-0223
11. 04-O-0231	43. 04-R-0224
12. 04-R-0188	ITEMS ADVERSED ON CONSENT
13. 04-R-0190	44. 04-R-0191
14. 04-R-0228	45. 04-R-0192
15. 04-R-0229	46. 04-R-0193
16. 04-R-0222	47. 04-R-0194
17. 04-R-0227	48. 04-R-0195
18. 04-R-0128	49. 04-R-0196
19. 04-R-0129	50. 04-R-0197
20. 04-R-0130	51. 04-R-0198
21. 04-R-0131	52. 04-R-0199
22. 04-R-0189	53. 04-R-0200
23. 04-R-0273	54. 04-R-0201
24. 04-R-0218	55. 04-R-0202
25. 04-R-0219	56. 04-R-0203
26. 04-R-0220	57. 04-R-0204
27. 04-R-0245	58. 04-R-0205
28. 04-R-0246	59. 04-R-0206
29. 04-R-0249	60. 04-R-0225
30. 04-R-0250	
31. 04-R-0274	
32. 04-R-0226	