

SEP 19 2011

ADVISED BY CITY COUNCIL

SEP 19 2011

Entered 05/04/11 sb  
CL 11L0319 DWM/11 - WARREN HAYES

**CLAIM OF: RHONDA LEVITT**  
3000 Continental Colony  
Parkway, SW  
Apartment F-150  
Atlanta, Georgia 30331

11- R -1345

For damages alleged to have been sustained as a result of a sanitary sewer backup on April 27, 2011 at 3000 Continental Colony Parkway, SW Apartment F-150.

SEP 19 2011

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THIS ADVERSED REPORT IS APPROVED

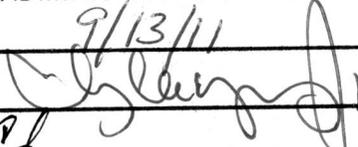
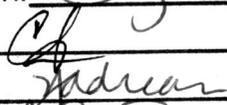
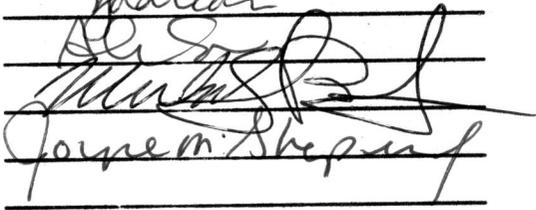
SEP 08 2011

BY:   
**ERIC RICHARDSON**  
ACTING DEPUTY CITY ATTORNEY

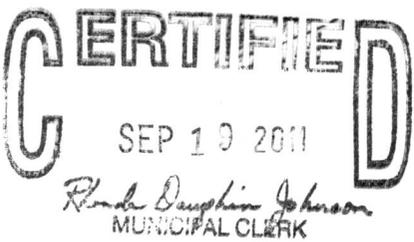


**ADVERSE REPORT**

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 9/13/11  
CHAIR:   
  


5 year  
1 ~~by~~ Abatement  
(Lance Bottoms)  



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6030  
FAX (404) 658-6273

September 26, 2011

Rhonda Levitt  
3000 Continental Colony  
Apartment F-150  
Atlanta, Georgia 30331

**11-R-1345**

Dear

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

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, CMC  
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 11L0319

Date: August 31, 2011

Claimant /Victim RHONDA LEVITT

BY:(Atty)(Ins.Co.) \_\_\_\_\_

Address: 3000 Continental Colony Parkway, SW Apartment F-150 Atlanta, Georgia 30331

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 2,000.00 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 05/03/11 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) \_\_\_\_\_

Date of Occurrence 04/27/11 Place: 3000 Continental Colony Parkway, SW Apartment F-150

Department Watershed Management Bureau: Operations Office: \_\_\_\_\_

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges that she sustained damages as a result of a sanitary sewer backup at 3000 Continental Colony Parkway Apartment F-150. However, an investigation determined that the sewage did not enter into the claimant's apartment. Moreover, this backup was deemed to be a private matter.

INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_

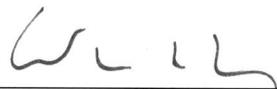
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_

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 - WARREN HAYES

RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: General Fund \_\_\_\_\_ Water & Sewer \_\_\_\_\_ Aviation \_\_\_\_\_

Claims Manager: Stavros B Concur/date 8/31/11

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, SW  
Atlanta, Georgia 30303

RE: CLAIM FOR DAMAGES

Today's Date: 4-29-2011

ENTERED - 5-4-11 - SB  
11L0319 - L. CARTER

*Carter*  
*0570311*  
*R*

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 2000.00 property and/or \$ 2000.00 bodily injury for which I contend the City is liable.

1. Date of incident: 4-27-11. Time of incident: 12:00 am 3. Police called: NO F-15
4. Location of incident (including street address): 3600 CONTIER-COLONYPK
5. Name of your insurance company: FLOOD APARTMENTS
6. State what and how incident occurred: ATLANTA BATHROOM - BRO  
LIVE ROOM SHOE AND CLOSTHE AND RUGS  
④ CLEAN UP DVD-20. CAME 35MM.  
CARPE IS BLACK
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle:

Your vehicle: \_\_\_\_\_  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: \_\_\_\_\_

10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Rhonda Levitt  
Signature of Claimant

Rhonda-Levitt  
(Print Claimant's Name) *F-13*

3000 CONTIER COLONY PK  
(Address)

ATLANTA GA 30331  
(City, State and Zip Code)

404 522-5471  
(Work Number) (Home Number)

RCS# 1414  
9/19/11  
4:00 PM

Atlanta City Council

REGULAR SESSION

11-R-1345

CLAIM OF RHONDA LEVITT FOR DAMAGES AT  
3000 CONTINENTAL COLONY PKWY, APT. F150  
ADOPT

YEAS: 10  
NAYS: 0  
ABSTENTIONS: 1  
NOT VOTING: 5  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	NV Watson
Y Young	NV Shook	A Bottoms	NV Willis
NV Winslow	Y Adrean	Y Sheperd	NV Mitchell

11-R-1345