

ADVERSE REPORT

Entered - 9-26-96- tew
CL 96L0700- GWENDOLYN BURNS

CLAIM OF: WILLIE M. HAYNES
1740 Dodson Drive, SW
Alpharetta, Georgia 30022

For damages alleged to have been sustained
as a result of a property damage incident on
August 19, 1996 at 1740 Dodson Drive, SW.

THIS ADVERSED REPORT IS
APPROVED

COM. *Public Safety*

DATE *6/22/00*

CHM. *C. T. Martin*
(CV 1587)

[Signature]

BY: *[Signature]*
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

CERTIFIED
JUL 5 2000
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

ADVERSED BY
CITY COUNCIL
JUL 05 2000

CERTIFIED
JUL 05 2000
[Signature]
MUNICIPAL CLERK



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

July 18, 2000

Willie M. Haynes
1740 Dodson Dr., SW
Alpharetta, GA 30022

00-R-0938

Dear Mr. Haynes:

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 July 05, 2000. 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. 96L0700

Date: June 14, 2000

Claimant /Victim WILLIE M. HAYNES
BY: (Atty) (Ins. Co.)
Address: 1740 Dodson Drive, SW, Atlanta, Georgia 30311
Subrogation: Claim for Property damage \$ 3,000.00 Bodily Injury \$
Date of Notice: 9/23/96 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 8/19/96 Place: 1740 Dodson Drive, SW
Department PUBLIC WORKS Division Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges she sustained damages to the basement of her home from a sewer back up. An investigation determined that the City responded in a timely manner to the August 19, 1996 occurrence. Further investigation determined that the claimant experienced a back up approximately ten (10) years prior to the 1996 event. However, due to the number of years between occurrences, the events are considered unrelated. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X
Pictures Diagrams Reports: Police Dept Report X 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,

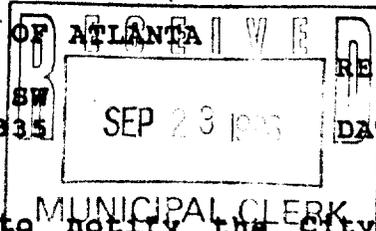
Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 8/6 15-00
Committee Action: Council Action

Ochs
9-24-96

COUNCIL of the CITY OF ATLANTA
CLERK OF COUNCIL
68 Mitchell Street, SW
Atlanta, Georgia 30335



RE: CLAIM FOR DAMAGES
DATE: Aug 19, 1996

Dear Sir:

This is to ~~notify the City~~ of Atlanta that I have suffered damages in the sum of \$ 3,000.00 property and/or \$ _____ bodily injury for which I contend the City is liable.

- Date of accident: Aug 19, 1996 2. Polica called: I called 624 0750
(yes) (no)
- Location of accident 1740 Dodson Dr. SW Atl., Ga. 30311
- Name of your insurance company: State Farm
- State how accident occurred: Water from the Main Sewage line Flooded my basement

6. If a vehicular accident, complete the following and attach two (2) estimates of repair. ALL ESTIMATES AND VEHICLE DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE STATEMENTS WILL RESULT IN YOUR CLAIMS BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION! The registered owner must make the claim for vehicle damages.

7. Your vehicle: _____
(make) (year) (tag#) (driver's name)

8. City vehicle: _____
(make) (year) (tag#) (drivers name)

9. Witness: _____
(name) (phone) (address)

10. The knowledgement of this claim in no way waives the Governmental 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).

I HEREBY CERTIFY THE ABOVE INFORMATION IS TRUE AND CORRECT.

11. THIS CLAIM SHOULD BE MAILED IMMEDIATELY TO THE ADDRESS SHOWN ABOVE

Willie M. Haynes
(Claimant)
1740 Dodson Dr. SW
(address)
Atl., Ga. 30311
(City) (State) (Zip)
404 344-3743
(home) (phone) (work)

*
It may be necessary to make a 2nd claim. One of the Emp put liquid disinfectant in the furnace this could have caused damage to the electric system or gas line I cant tell at this time.

00-R-0938

RCS# 2057
7/05/00
1:38 PM

Atlanta City Council

Regular Session

**_*_*_*_*_*_*_*

Consent Agenda pgs. 1-13

Adopt

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 3

NV McCarty
Y Starnes
Y Bond
B Winslow

Y Dorsey
Y Woolard
Y Morris
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

Y Thomas
B Emmons
B Alexander
NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-0982
00-O-0996
00-R-0954
00-R-0981
00-R-0999

**_*_*_*_*_*_*_*

07/05/00 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
<ol style="list-style-type: none"> 1. 00-O-0882 2. 00-O-0815 3. 00-O-0986 4. 00-O-0987 5. 00-O-0988 6. 00-O-1002 7. 00-O-0574 8. 00-O-0972 9. 00-O-0818 10. 00-R-0990 11. 00-R-0992 12. 00-R-0993 13. 00-R-0885 14. 00-R-0884 15. 00-R-0883 16. 00-R-0880 17. 00-R-0814 18. 00-R-0957 19. 00-R-0961 20. 00-R-0998 21. 00-R-0887 22. 00-R-0888 23. 00-R-0889 24. 00-R-0997 25. 00-R-0892 26. 00-R-0955 27. 00-R-0984 28. 00-R-1000 29. 00-R-0908 30. 00-R-0909 31. 00-R-0910 32. 00-R-0911 33. 00-R-0912 34. 00-R-0913 35. 00-R-0944 36. 00-R-0945 37. 00-R-0946 	<ol style="list-style-type: none"> 38. 00-R-0914 39. 00-R-0915 40. 00-R-0916 41. 00-R-0917 42. 00-R-0918 43. 00-R-0919 44. 00-R-0920 45. 00-R-0921 46. 00-R-0922 47. 00-R-0923 48. 00-R-0924 49. 00-R-0925 50. 00-R-0926 51. 00-R-0927 52. 00-R-0928 53. 00-R-0929 54. 00-R-0930 55. 00-R-0931 56. 00-R-0932 57. 00-R-0933 58. 00-R-0934 59. 00-R-0935 60. 00-R-0936 61. 00-R-0937 62. 00-R-0938 63. 00-R-0939 64. 00-R-0940 65. 00-R-0941 66. 00-R-0942 67. 00-R-0943 68. 00-R-0947 69. 00-R-0948 70. 00-R-0949 71. 00-R-0950 72. 00-R-0951