

00- 0-0947

Entered - 5-19-00-sb

. CL 00L0279- GWENDOLYN BURNS

CLAIM OF: R.S. THOMASON BUILDING CORPORATION

through its insurance company

CRUM & FOSTER

P. O. Box 8426

Lake Mary, Florida 32795-0279

ADVERSE REPORT

DM *Jelli Salyer*

6-27-00

CHM.

E. T. Martin

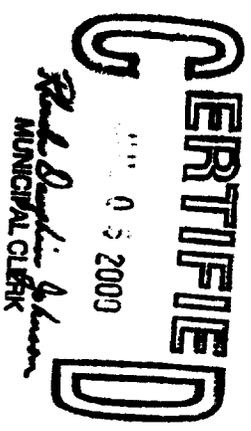
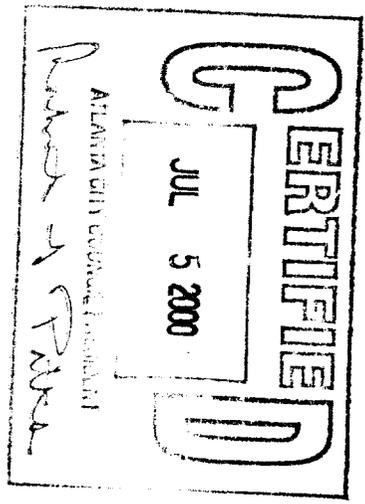
[Signature]

For damages alleged to have been sustained as a result of a property damage incident on March 19, 2000 at 1002 State Street & 251 10th Street, NW, #145.

THIS ADVERSED REPORT IS APPROVED

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

ADVERSED BY
CITY COUNCIL JUL 05 2000





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

Crum & Foster
Insurance carrier
Attn: Nancy Green
P.O. Box 8426
Lake Mary, Florida 32795-0279

00-R-0947

RE: R. S. Thomason Building Corporation

Dear Ms. Green:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her 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 client's claim at its regular meeting on July 5, 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.**

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0279

Date: June 14, 2000

Claimant /Victim R. S. THOMAS BUILDING CORPORATION

BY: (Atty) (Ins. Co.) CRUM & FOSTER INSURANCE COMPANY

Address: P.O. Box 8426, Lake Mary Florida 32795-8426

Subrogation: Claim for Property damage \$ 48,974.00 Bodily Injury \$

Date of Notice: 5/1/00 Method: Written, Proper X Improper

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

Date of Occurrence 3/19/00 Place: 1002 State Street, #5, 251 Tenth Street, NW, #145

Department PLANNING, DEVELOPMENT & NEIGHBORHOOD CONSERVATION Division Buildings

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that the City's building inspectors were negligent in their failure to properly inspect the job site located at 401 West 10th Street where the claimant was the general contractor. The claimant further alleges that during a heavy rain storm on March 19, 2000, dirt and mud caused the drainage system to become clogged. A mudslide formed and caused damage to two private property owners. However, the City is immune from liability as set forth in O.C.G.A §36-33-1.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

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 06-16-00

Committee Action: Council Action

BURNS
05/01/00
Daw



CERTIFIED MAIL-
RETURN RECEIPT REQUESTED

Southeastern Regional Office
P. O. Box 8426
Lake Mary, Florida 32795-8426
901 International Parkway, Suite 400
Lake Mary, Florida 32746
(407) 563-6200 Fax: (407) 563-6353

April 24, 2000

United States Fire Insurance Company
The North River Insurance Company

APR 27 2000

ENTERED - 5-11-00 - SB
00L0279 - GWEN BURNS

Mayor Wm. C. Campbell
City Hall,
Suite 2400
55 Trinity Ave, SW
Atlanta, GA 30335

Re: Our insured: R.S. Thomason Building Corp.
Our claim #: OLC80098194
Date of loss: 3/19/2000
Claimants: Peng & Chuan Wang
Doris Chadwick/C/O Phillip Chadwick

Dear Mayor Campbell:

This letter will serve as formal notice of claim per GA ST code 36-33-5, subsection (b), being presented to you on behalf of R.S. Thomason Building Corp and Crum & Forster Insurance

Our insured R. S. Thomason Building Corp is the general contractor for the work performed at job site 401 W. 10th St. Our insured did sub-contract the work to Earth Development. The work consisted of grading above property 8 feet, higher than the surrounding landowners. A drain system tying into the existing drain system, was, also, installed.

On March 19, 2000, a storm occurred at the above job site location. Heavy rain caused the dirt and mud to slide downward. The drain system became clogged, therefore, continuing to run downward into claimant's property. Ms. Doris Chadwick is the owner of the building located at 1002nd State St, Apt, #5, Atlanta, GA 30302. She sustained building damage in the amount of \$13,974.00 as a result of the mudslide. Mr. Wang is the tenant of the building, who sustained approximately \$35,000.00 worth of damage to his personal property.

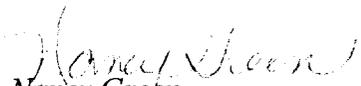
April 24, 2000

Page 2

It is our contention that all construction was done in accordance with plan and approved by the City of Atlanta. Our insured has advised us that the City dispatched building inspectors to inspect the job site at various phases of construction in order to insure that construction is being done in accordance with approved specifications. None of the inspections taking place prior to the date of this incident addressed either directly or indirectly the drain or elevation in the proximity of the claimant's property.

Please deal directly with claimants, Mr. Chadwick and Mr. Wang for settlement of their claim.

Very truly yours,



Nancy Green

Claims Representative

*CC: R.S. Thomason Building Corp
Attn: Carolyn Brooks
400 Interstate North Pkwy
Suite 12220
Atlanta, GA 30339*

*Doris Chadwick
C/O Phillip Chadwick
1008 State St
Atlanta, GA 30302*

*Peng & Chuan Wang
251 Tenth St N/W
#145
Atlanta, GA 30308*

00-R-0947

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

Atlanta City Council

Regular Session

**_**

Consent Agenda pgs. 1-13

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Adopt

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
1. 00-O-0882	38. 00-R-0914
2. 00-O-0815	39. 00-R-0915
3. 00-O-0986	40. 00-R-0916
4. 00-O-0987	41. 00-R-0917
5. 00-O-0988	42. 00-R-0918
6. 00-O-1002	43. 00-R-0919
7. 00-O-0574	44. 00-R-0920
8. 00-O-0972	45. 00-R-0921
9. 00-O-0818	46. 00-R-0922
10. 00-R-0990	47. 00-R-0923
11. 00-R-0992	48. 00-R-0924
12. 00-R-0993	49. 00-R-0925
13. 00-R-0885	50. 00-R-0926
14. 00-R-0884	51. 00-R-0927
15. 00-R-0883	52. 00-R-0928
16. 00-R-0880	53. 00-R-0929
17. 00-R-0814	54. 00-R-0930
18. 00-R-0957	55. 00-R-0931
19. 00-R-0961	56. 00-R-0932
20. 00-R-0998	57. 00-R-0933
21. 00-R-0887	58. 00-R-0934
22. 00-R-0888	59. 00-R-0935
23. 00-R-0889	60. 00-R-0936
24. 00-R-0997	61. 00-R-0937
25. 00-R-0892	62. 00-R-0938
26. 00-R-0955	63. 00-R-0939
27. 00-R-0984	64. 00-R-0940
28. 00-R-1000	65. 00-R-0941
29. 00-R-0908	66. 00-R-0942
30. 00-R-0909	67. 00-R-0943
31. 00-R-0910	68. 00-R-0947
32. 00-R-0911	69. 00-R-0948
33. 00-R-0912	70. 00-R-0949
34. 00-R-0913	71. 00-R-0950
35. 00-R-0944	72. 00-R-0951
36. 00-R-0945	
37. 00-R-0946	