

00-R-1030

REPORT

Entered 12-23-96-sb

CL 96L0916- GWENDOLYN BURNS

CLAIM OF: FREDERICK S. WRIGHT
1920 Ardmore Road, SW
Atlanta, Georgia 30309

For property damage alleged to have been sustained
as a result of a sewer back up on or about November 19, 1996,
at 1920 Ardmore Road, SW.

DATE 7/11/00

P.S. v. L.A.

[Signature]

[Signature]

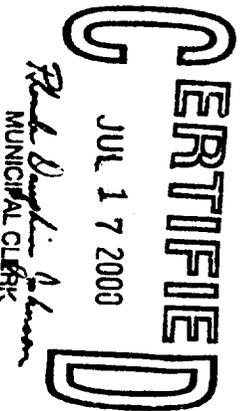
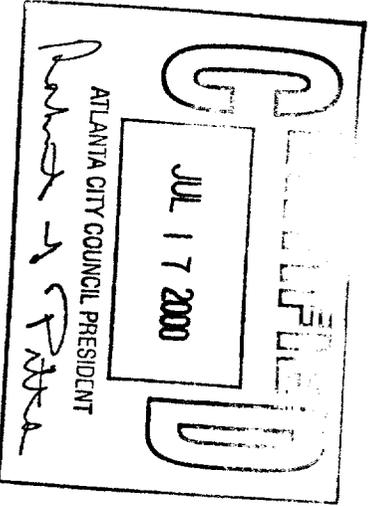
THIS ADVERSED REPORT IS
APPROVED

CONSENT AGENDA

BY:

Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSED BY JUL 17 2000
CITY COUNCIL





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 28, 2000

Frederick S. Wright
1920 Ardmore Rd., SW
Atlanta, GA 30309

00-R-1030

Dear Mr. Wright:

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 17, 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. 96L0916

Date: June 20, 2000

Claimant /Victim FREDERICK S. WRIGHT
BY: (Atty) (Ins. Co.)
Address: 1920 Ardmore Road, SW, Atlanta, Georgia 30309
Subrogation: Claim for Property damage \$ 5,000.00 Bodily Injury \$
Date of Notice: 12/23/96 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/19/96 Place: 1920 Ardmore Road, SW
Department PUBLIC WORKS Division Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that he sustained damages from a sewer back up in his home. However, claimant has failed to pursue his claim.

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 X

Respectfully submitted,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 06-29-00
Committee Action Council Action

COUNCIL of the CITY OF ATLANTA
CLERK OF COUNCIL
CITY HALL
68 Mitchell Street, S.W.
Atlanta, Georgia 30303

RE: AIM FOR DAMAGES

Oatis
12-30-96
[Signature]

TODAYS DATE: 12/10/96

DEC 17 1996

ENTERED - 12/23/96 - tew
96L0916 - ANTHONY G. OATIS

Dear Sir:

This is to notify the City of Atlanta that I have suffered damages in the sum of \$ 5,000.00 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of accident: 11/19/96
(month) (day) (year)
2. Police called: No
(yes) (no)
3. Location of accident: 1920 ARDMORE Road
4. Name of your insurance company: USAA Policy # 223-5395
5. State how accident occurred: The city sewer line backed up and my toilets and tub overflowed with sewage. City of Atlanta sewer department responded. Guy Harrison dispatched a work crew which cleaned up sewage which had overflowed into every room of the house. Damage to hardwood floors, fine rugs, etc..
(use other side if necessary)
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 CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION! The registered owner must make the claim for vehicle damages.
7. Your vehicle: _____
(make) (year) (tag#) (drivers name)
8. City vehicle: _____
(make) (drivers name) (department)
9. Witness: _____
(name) (phone) (address)

10. The acknowledgment 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.

Frederick S. Wright

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

FREDERICK S. WRIGHT
(claimant)

1920 ARDMORE RD
(address)

ATLANTA GA 30309
(City) (State) (zip)

404-609-9709 404-885-9600
(home) (phone) (work)

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916