

00-R-1032

Entered 5-7-99-sb  
CL 99L0266-GWENDOLYN BURNS

CLAIM OF: MANCE C. IRVIN  
211 Hemphill School Road, NW  
Atlanta, Georgia 30331

For property damage alleged to have been sustained  
as a result of a sewer back up on or about January 4, 1999,  
at 211 Hemphill School Road, NW.

ADVISED BY REPORT

COM 2.5.11A

DATE 7/17/00

BY C. T. Martin

*[Signature]*

*[Signature]*

*[Signature]*

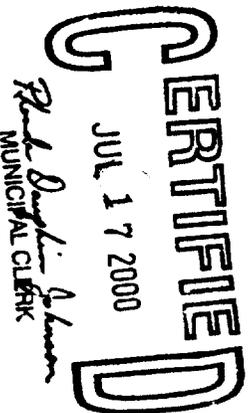
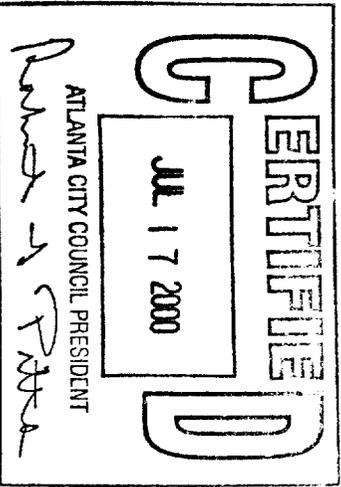
THIS ADVERSED REPORT IS  
APPROVED

CONSENT AGENDA

BY:

*Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

ADVISED 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

Mance C. Irvin  
211 Hemphill School Rd., NW  
Atlanta, GA 30331

00-R-1032

Dear Mr. Irvin:

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. 99L0266

Date: June 29, 2000

Claimant /Victim MANCE C. IRVIN

BY: (Atty) (Ins. Co.)

Address: 211 Hemphill School Road, NW, Atlanta, Georgia 30331

Subrogation: Claim for Property damage \$ 3,000.00 Bodily Injury \$

Date of Notice: 5/3/99 Method: Written, Proper X Improper

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

Date of Occurrence 1/4/99 Place: 211 Hemphill School Road, NW

Department PUBLIC WORKS Division Sewer Operations

Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges he sustained damages to his home from a sewer back up. However, an investigation determined that the City did not have notice of any problems at this location prior to the January 4, 1999 occurrence. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee Claimant X 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 06-29-00

Committee Action: Council Action

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

BURNS  
05/03/99  
4/27/99

APR 28 1999

04-22-99P06:01 RCVD  
ENTERED - 5-7-99 - SB  
99L0266 - GWEN BURNS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 3,000<sup>00</sup> property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: 1/4/99 (month/day/year). 2. Time of Incident: b/w 7-11p 3. Police called: X Yes No

4. Location of incident (including street address): 211 Hemphill School Road NW Atlanta, 303

5. Name of your insurance company: Allstate Insurance Policy No. 021181240

6. State what and how incident occurred: Sewage and water flooded the basement via a floor drain. Water levels reached as high as 2 1/2 feet. Problem with flooding in the basement is recurring - requesting the city investigate this problem to prevent such incidents in the future.

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 (copy of the current tag receipt or title).

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

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

X 9. Witness: Lawana Viers 1047B Graham Court Mableton, GA (404) 713 3251  
(Name) (Address) (Telephone Number)

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. This claim should be mailed immediately to the address shown above.

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

Mance C Irvin  
Signature of Claimant

MANCE C IRVIN  
(Print Claimant's Name)  
211 Hemphill School Road NW  
(Address)  
Atlanta, GA 30331  
(City, State and Zip Code)  
(404) 631 2180 (404) 696 5161  
(Work Number) (Home Number)

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