

Entered 07/14/00 - dp
CL 98L0313 - GWENDOLYN BURNS

CLAIM OF: CHRISTOPHER P. EISSMAN
INTOWN RESTAURANT CORPORATION
816 N. Highland Avenue
Atlanta, Georgia 30306

For property damages alleged to have been
sustained as a result of a sewer backup on April 1,
1998 at 816 N. Highland Avenue.

CONSENT AGENDA

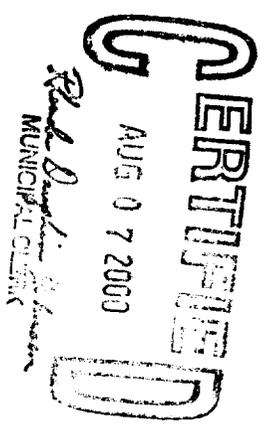
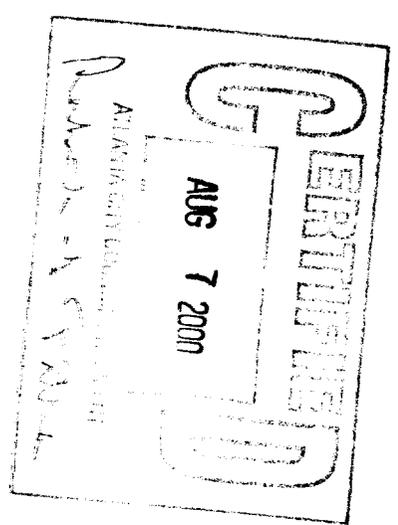
THIS ADVERSED REPORT IS
APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSED REPORT

COM: *Future Safety*
8/1/2000

C. To Martin
Walter...
...



ADVERSED BY AUG 07 2000
CITY COUNCIL

August 28, 2000

Intown Restaurant Corp.
Attn: Christopher P. Eissman
816 N. Highland Ave.
Atlanta, GA 30306

00-R-1151

Dear Mr. Eissman:

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 August 07, 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. 98L0313

Date: July 17, 2000

Claimant /Victim CHRISTOPHER EISSMAN, INTOWN RESTAURANT CORPORATION

BY: (Atty) (Ins. Co.)

Address: 816 North Highland Avenue, Atlanta, Georgia 30306

Subrogation: Claim for Property damage \$ 1,054.05 Bodily Injury \$

Date of Notice: 4/29/98 Method: Written, Proper X Improper

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

Date of Occurrence 4/1/98 Place: 816 North Highland Avenue

Department PUBLIC WORKS Division Sewer Operations

Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that he sustained property damages to his restaurant 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 April 1, 1998 occurrence. 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

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 Account charged: 1A01 2J01 2H01

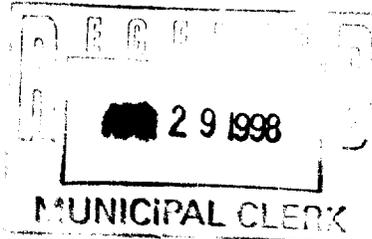
Claims Manager: Concur/date 17 19 00

Committee Action: Council Action

BURNS
5-4-98
DW

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

RE: CLAIM FOR DAMAGES



Today's Date: 04/02/98

ENTERED 5-12-98 - SB
98L0313 - GWEN BURNS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1054.05 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 04/01/98 (month/day/year). 2. Time of Incident: 11:00am 3. Police called: _____ Yes No

4. Location of incident (including street address): Dark Horse Tavern & Grill - 816 N. Highland Ave. Atlanta 30306

5. Name of your insurance company: Harleysville - Atlantic Policy No. 5D1615

6. State what and how incident occurred: All plumbing in downstairs bar backed up and bar was filled with sewage/water approx. 4 inches deep. We contacted plumber and had them auger approx 200 feet, they stated it was a problem w/ city sewage line, called city approx 3:30pm and they showed up approx 5:30pm

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)

9. Witness: _____
(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.

[Signature]
Signature of Claimant

Christopher P. EISSMAN
(Print Claimant's Name)

816 N. Highland Ave.
(Address)

Atlanta, GA 30306
(City, State and Zip Code)

(404) 817-9999 x 10 (404) 622-8322
(Work Number) (Home Number)

817-9983 (Fax)