

Entered - 4-29-98 - sb
CL 98L0292- GWENDOLYN BURNS

CLAIM OF: **ANDRIAN V. POSESCU**
4288 Powers Ferry Road
Atlanta, Georgia 30342

For damages alleged to have been sustained
as a result of a sewer back up on March 15,
1998 at 4288 Powers Ferry Road.

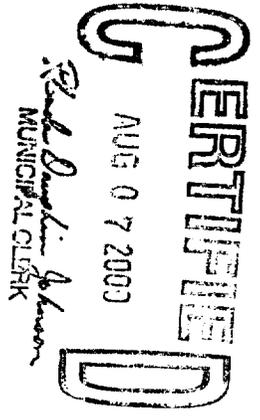
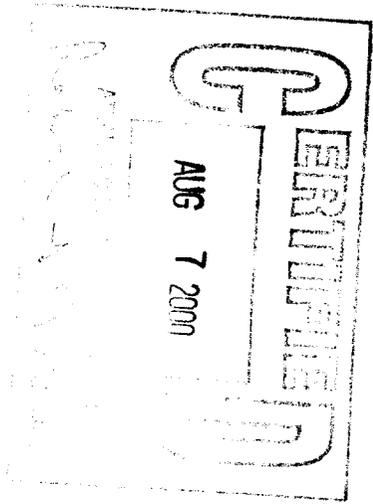
CONSENT AGENDA
THIS ADVERSED REPORT IS
APPROVED

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

ADVERSE REPORT

COM. Public Safety
8/11/2000

Carla Martin
Carla Martin
Carla Martin
Carla Martin
Carla Martin



ADVERSED BY
CITY COUNCIL AUG 07 2000

August 28, 2000

Andrian V. Posescu
4288 Powers Ferry Road
Atlanta, GA 30342

00-R-1152

Dear Ms. Posescu:

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. 98L0292

Date: July 17, 2000

Claimant /Victim ANDRIAN V. POPESCU
BY: (Atty) (Ins. Co.)
Address: 4288 Powers Ferry Road, Atlanta, Georgia 30342
Subrogation: Claim for Property damage \$ Undetermined Bodily Injury \$
Date of Notice: 4/20/98 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 3/15/98 Place: 4288 Powers Ferry Road
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 March 15, 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 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 07 15 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
04-27-98
On
Today's Date: APRIL 12, 1998

ENTERED - 4-29-98 - SB
98L0292 - GWEN BURNS

Dear Municipal Clerk:

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

1. Date of incident: MARCH 15 1998 2. Time of Incident: 17:00 3. Police called: _____ Yes No
(month/day/year).

4. Location of incident (including street address): 4288 POWERS FERRY ROAD

5. Name of your insurance company: TRAVELERS Policy No. _____

6. State what and how incident occurred: MUNICIPAL SEWER MAIN BACK-UP INTO RESIDENCE BASEMENT, CAUSED BY RESTRICTION OF MAIN UNDER POWERS FERRY ROAD SOUTH OF HORSE RADISH GRILL RESTAURANT. E-COLI CONTAMINATION AND EXTENSIVE PERSONAL PROPERTY DAMAGE.

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

ADRIAN V. POPESCU
(Print Claimant's Name)
4288 POWERS FERRY RD.
(Address)
ATLANTA, GA. 30342
(City, State and Zip Code)
404/233-1776 404/255-3991
(Work Number) (Home Number)

00-R -1152