

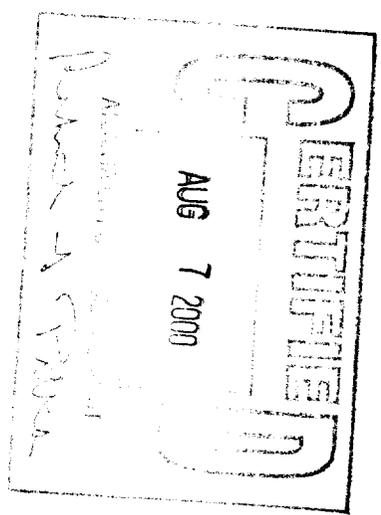
Entered 07/14/00 - dp
CL 97L0320 - GWENDOLYN BURNS

CLAIM OF: OLA HILL
3480 Meadowridge Drive
Atlanta, GA 30331

For property damages alleged to have been sustained as a result of a sewer backup on April, 21, 1997 at 3480 Meadowridge Drive, SW.

THIS ADVERSED REPORT IS APPROVED

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



ADVERSE REPORT

consultative Safety

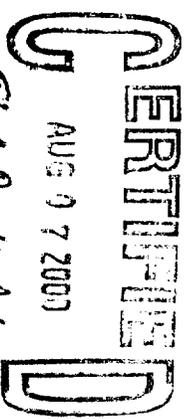
8/11/2000

C. T. Martin

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Geraldine Burns
MUNICIPAL CLERK

ADVERSED BY CITY COUNCIL AUG 07 2000

August 28, 2000

Ola Hill
3480 Meadowridge Dr.
Atlanta, GA 30331

00-R-1156

Dear Ms. Hill:

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. 97L0320

Date: July 17, 2000

Claimant /Victim OLA HILL
BY: (Atty) (Ins. Co.)
Address: 3480 Meadowridge SW, Atlanta, Georgia 30331
Subrogation: Claim for Property damage \$ Unspecified Bodily Injury \$
Date of Notice: 5/2/97 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 4/21/97 Place: 3480 Meadowridge Drive, SW
Department PUBLIC WORKS Division Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges she sustained property damage to her 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 April 21, 1997 occurrence. The City is immune from liability as set forth in O.C.G.A. §36-33-1. Furthermore, claimant has failed to pursue her 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

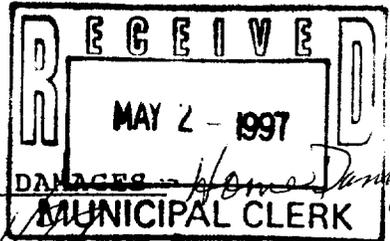
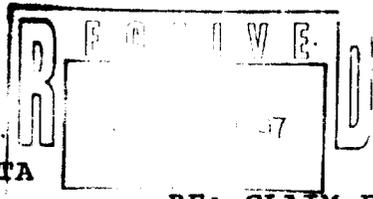
Respectfully submitted,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 8-7-1900
Committee Action: Council Action

Oasis
51281978



COUNCIL of the CITY OF ATLANTA
CLERK OF COUNCIL
~~68 Mitchell Street, SW~~ 55 Trinity Ave
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES - Home Damages
CLERK
MUNICIPAL CLERK

DATE: 5/5/97

ENTERED - 6/5/97 - tew
9710320 - ANTHONY G. OATIS

Dear Sir:

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

1. Date of accident: 4/21/97 2. Police called: NO
(yes) (no)

3. Location of accident: 3480 Meadowridge Dr. SW Atlanta, GA 30331

4. Name of your insurance company: State Farm

5. State how accident occurred: "See attached LETTER"

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 CLAIMS BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION! The registered owner must make the claim for vehicle damages.

7. Your vehicle: Home Damages
(make) (year) (tag#) (driver's name)

8. City vehicle: Home Damages
(make) (year) (tag#) (drivers name)

9. Witness: LATONIA KENDRICK 70-9478743 2677 DEL RIDGE DRIVE DUNGLASVILLE GA, 30135
(name) (phone) (address)

10. The knowledge 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.

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

[Signature]
(Claimant)
3480 Meadowridge Dr
(address)
Atlanta GA 30331
(City) (State) (Zip)
(404) 349-0727 (404) 340-4150
(home) (phone) (work)

April 29, 1997

City Of Atlanta
55 Trinity Avenue
Atlanta, GA 30335

Dear Sirs,

This letter is in reference to property damages were incurred due to a severely backed up sewer line located at 3480 Meadowridge Drive, SW Atlanta, GA 30331.

On Monday, April 21, 1997 at approximately 10:30pm, I returned home to find a foul odor in my home. After I walking through the house I could tell the odor was coming from downstairs so I slowly walked downstairs. I must also add at this point that I was terrified of what I may find and just as I started down the hall towards the utility room my feet were soaked and covered with feces and toilet tissue. I immediately covered my face and nose as I was about to vomit due to the foul odor. As I walked further down the hall I could see that water, tissue, and feces was gushing up out of a drain in the front of my utility room floor and running down the hall and into the downstairs bedrooms..

At this point about a foot and a half of sever age was steadily pouring from the drain. Everything in this area and the surrounding bedrooms, hall & bathroom are completely damaged.

I have listed the items in which were stored in the utility room that were also damaged which included; 4 pairs of shoes, an antique rocking chair, (4) flower pots, a set of luggage, (2) large bags of clothing, (3) large comforters, shams, and bed ruffles, (3) spreads and stereo equipment including a cabinet, speakers and amplifiers.

There is also a bathroom located in this area where the carpet is completely ruined.

At this time I do not know all the cost involved for all of this damage, however I would like the city to know that they are responsible for this incident and that I expect full compensation for all damages incurred.

If there are any questions are additional information needed please contact me directly at (404) 349-0777 which is my home phone or please call me at (404)330-4150 Paul Lawrence Dunbar Elementary School and be very discrete of any information given, leave your name and number and I will return your call ASAP concerning this matter.

Sincerely,


Ola Hill

00- R -1156