



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

September 18, 2000

Travelers Property Casualty as
subrogee of Julie W. Neely
Attn: Paul Phillips
Caller Service Number 6918
Alpharetta, Gae 30022-0918

00-R-1261

Dear Mr. Phillips:

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 September 05, 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. 97L0815

Date: August 3, 2000

Claimant /Victim JULIE NEELY
BY: (Atty) (Ins. Co.) TRAVELERS PROPERTY CASUALTY
Address: Caller Service Number 6918, Alpharetta, Georgia 30022-6918
Subrogation: X Claim for Property damage \$ 6,526.01 Bodily Injury \$ _____
Date of Notice: 12/29/97 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 10/7/97 Place: 17 Ridgemire Trace
Department WATER Division _____
Employee involved Willie Simmons Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that she sustained damages to her home when a water valve was opened by a City employee which resulted in the flooding of her residence. However, claimant's insurance company has elected to discontinue pursuing her claim and has closed their subrogation file.

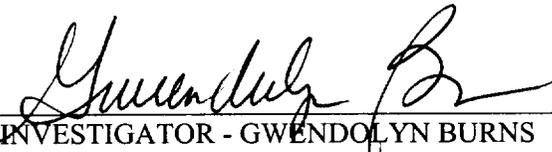
INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other X
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

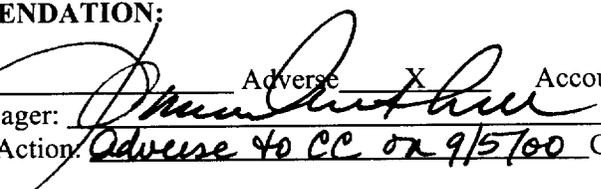
BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X
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,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 08-04-00
Committee Action: Adverse to CC on 9/5/00 Council Action _____

TravelersPropertyCasualty
A Member of *TravelersGroup*



BURNS
12/31/97
PERSONAL LINES CLAIM
ATLANTA

DEC 9

CALLER SERVICE NUMBER 6918
ALPHARETTA, GA 30022-6918

December, 23 1997

ENTERED - 12/30/97 - tew
97L0815 - GWEN BURNS

Our Insured: Julie Neely
17 Ridgemire Trace
Atlanta, GA 30328
December 11, 1997

Atlanta City Courts
Municipal Clerks office
55 Trinity St S.W
Atlanta, GA 30335

File Number: SEZ1641
Date of Loss: 10\ 07\97

Dear Atlanta City Courts:

We have made a payment to our insured regarding the above referenced claim and now have the right to recover the amount of our claim payment from you. Therefore, we are making a formal demand upon you for reimbursement of \$ 6526.01 we intend to recover.

Our investigation reveals the main water supply line located near our insured house was opened by a city employee around October 07, 1997, which resulted in the flooding of the above property loss.

Mr. Willie Simmons with the city water dept accepted full responsibility for the resulting water damage, and instructed Mrs. Neely to file a claim with the city of Atlanta water dept.

If you have liability insurance, please complete the following set of blanks and return this letter to me. This will allow us to correspond directly with your insurance carrier and avoid further demands upon you.

If do not carry liability insurance, please contact me immediately for the purpose of making arrangements to pay the above loss.

Sincerely,

Paul Phillips
Claims Dept
(770) 521-3351

Your Insurance Co Name-----

Address-----

00- -1261

RCS# 2194 :
9/05/00
2:17 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-12

Adopt

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty
Y Starnes
NV Bond
Y Winslow

Y Dorsey
NV Woolard
Y Morris
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

Y Thomas
Y Emmons
Y Alexander
NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-1007
00-R-1309

CONSENT

09/05/00 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1102	40. 00-R-1235
2. 00-O-1143	41. 00-R-1245
3. 00-O-1207	42. 00-R-1246
4. 00-O-1295	43. 00-R-1247
5. 00-O-1303	44. 00-R-1248
6. 00-O-1313	45. 00-R-1249
7. 00-O-1124	46. 00-R-1250
8. 00-O-1125	47. 00-R-1251
9. 00-O-1126	48. 00-R-1252
10. 00-O-1127	49. 00-R-1253
11. 00-O-1128	50. 00-R-1254
12. 00-O-1133	51. 00-R-1255
13. 00-O-1196	52. 00-R-1256
14. 00-O-1298	53. 00-R-1257
15. 00-O-1122	54. 00-R-1258
16. 00-O-1300	55. 00-R-1259
17. 00-R-1198	56. 00-R-1260
18. 00-R-1230	57. 00-R-1261
19. 00-R-1290	58. 00-R-1262
20. 00-R-1312	59. 00-R-1263
21. 00-R-1316	60. 00-R-1264
22. 00-R-1265	
23. 00-R-1266	
24. 00-R-1267	
25. 00-R-1268	
26. 00-R-1270	
27. 00-R-1314	
28. 00-R-1229	
29. 00-R-1233	
30. 00-R-0886	
31. 00-R-1236	
32. 00-R-1237	
33. 00-R-1238	
34. 00-R-1239	
35. 00-R-1240	
36. 00-R-0241	
37. 00-R-1242	
38. 00-R-1243	
39. 00-R-1244	

00-2-1261

Entered - 12-30-97 - sb
CL 97L0815 - GWENDOLYN BURNS

CLAIM OF: TRAVELERS PROPERTY CASUALTY
as subrogee of Julie W. Neely
Caller Service Number 6918
Alpharetta, Georgia 30022-6918

For property damages alleged to have been
sustained due to flooding on October 7, 1997
at 17 Ridgemire Trace.

THIS ADVERSED REPORT IS
APPROVED

CONSENT AGENDA

BY: *Rosalind Rubens Newell*

ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSED BY SEP 05 2000
CITY COUNCIL

ADVERSE REPORT

COM. *Public Safety*

DATE *8/15/2000*

CHP. *C. T. Martin*

Markus Spack

Debra J. ...

CERTIFIED
SEP 5 2000

CERTIFIED
SEP 05 2000

Rosalind Rubens Newell
MUNICIPAL CLERK