00- R -1354

Entered - 08/01/00 - sb
CL00L0454 - DIANNE C. MITCHELL

CLAIM OF: JULIANA IAROSSI
2099 Bohler Road
Atlanta, Georgia 30318

For damages alleged to have been sustained as a result of property damage due to a sewer back up on July 7-8, 2000 at 2099 Bohler Road.

CERTIFIED
SEP 18 2000

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell/Kane
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CERTIFIED
SEP 18 2000
Rhonda Dauphin Johnson
MUNICIPAL CLERK

FAVORABLE REPORT
COM. Public Safety
DATE 9/12/00
CHM. C. T. Mind
Michael S. Bo
Larry Sheldon
Cleta Winslow
Sherry Dorsey

ADVERSED CITY COUNCIL SEP 18 2000

September 28, 2000

Juliana Iarossi
2099 Bohler Road
Atlanta, GA 30318

00-R-1354

Dear Ms. Iarossa:

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 18, 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. 00L0454 Date: August 30, 2000

Claimant /Victim JULIANA IAROSSI
BY: (Atty)(Ins. Co.) _____
Address: 2099 Bohler Road, Atlanta, Georgia 30318
Subrogation: _____ Claim for Property damage $ 200.00 Bodily Injury $ _____
Date of Notice: 07/18/00 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 07/07-08/00 Place: 2099 Bohler Road
Department Public Works Division: Sewer Operations
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges her property was damaged due to a sewer back up. The investigation determined that the claimant called the Sewer Operations Division at 11:45 pm on July 7, 2000 arrived the following morning at 9:30 am and corrected the problem. The City had no notice of a problem with the sewer line prior to the call from the claimant. 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,

INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay $_____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager: _____ Concur/date 08-30-00
Committee Action: _____ Council Action _____

FORM 23-61

Mitchell
07/27/00

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: 7/8/00

8

ENTERED - 8-1-00 - SB
00L0454 - DIANNE MITCHELL

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of $ 200 property and /or $ ——— bodily injury for which I contend the City is liable.

1. Date of incident: 7/1/00 - 7/8/00 (month/day/year). 2. Time of Incident: ~4 pm 7/1 ~1:30pm 7/8 3. Police called: ____ Yes X No

4. Location of incident (including street address) : 2099 BOHLER ROAD, ATLANTA, GA 30318

5. Name of your insurance company: ~~[illegible]~~ CHUBB Policy No. ~~[illegible]~~

6. State what and how incident occurred: CITY SEWER LINE ON BOHLER ROAD BACKED UP INTO MY HOUSE - FLOODING BASEMENT FLOOR. TO PREVENT DRAINAGE FROM FLOODING & CONTAMINATING ADJOINING LIVING ROOM CARPET USED 12 BATH & BENCH TOWELS TO COLLECT & CLEAN & USED 2 LARGE COOLERS & 1 BUCKET TO CAPTURE ~~[illegible]~~ SEWAGE LEAKING FROM PIPES. ALL ITEMS MUST BE DISPOSED OF

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: A.M/ ~~[illegible]~~ SUPERVISOR (7/8/00) & ONE OF THE WORKERS ON 7/8/00
(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 of Claimant

JULIANA IARUSSI
(Print Claimant's Name)

2099 BOHLER RD
(Address)

ATLANTA GA 30318
(City, State and Zip Code)

404-949-4158 (Work Number) 404-609-9007 (Home Number)

00- -1354

RCS# 2218
9/18/00
2:15 PM

Atlanta City Council

Regular Session

CONSENT

PAGES: 1-19

ADOPT

YEAS:	13
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	2
EXCUSED:	0
ABSENT	1

SEE ATTACHED LISTING OF ITEMS ADOPTED/ADVERSED ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	NV Woolard	B Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM <u>CONSENT AGENDA</u>
00-R-1321
00-R-1322
00-R-1388
00-O-1435

CORRECTED COPY

CONSENT

		09/18/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA		**ITEMS ADVERSED ON CONSENT AGENDA**
1. 00-O-1234 2. 00-O-1007 3. 00-O-1015 4. 00-O-1427 5. 00-O-1429 6. 00-O-1432 7. 00-R-1387 8. 00-R-1392 9. 00-R-1395 10. 00-R-1452 11. 00-R-1340 12. 00-R-1323 13. 00-R-1433 14. 00-R-0560 15. 00-R-0561 16. 00-R-1454 17. 00-R-1299 18. 00-R-1308 19. 00-R-1334 20. 00-R-1335 21. 00-R-1338 22. 00-R-1394 23. 00-R-1331 24. 00-R-1330 25. 00-R-1332 26. 00-R-1333 27. 00-R-1337 28. 00-R-1339 29. 00-R-1419 30. 00-R-1426 31. 00-R-1342 32. 00-R-1343 33. 00-R-1344 34. 00-R-1345 35. 00-R-1346 36. 00-R-1347 37. 00-R-1348 38. 00-R-1349 39. 00-R-1350 40. 00-R-1351	41. 00-R-1352 42. 00-R-1353 43. 00-R-1397 44. 00-R-1398 45. 00-R-1399 46. 00-R-1400 47. 00-R-1401 48. 00-R-1402 49. 00-R-1403 50. 00-R-1404	51. 00-R-1357 52. 00-R-1358 53. 00-R-1359 54. 00-R-1360 55. 00-R-1362 56. 00-R-1363 57. 00-R-1364 58. 00-R-1365 59. 00-R-1366 60. 00-R-1367 61. 00-R-1368 62. 00-R-1369 63. 00-R-1370 64. 00-R-1371 65. 00-R-1372 66. 00-R-1373 67. 00-R-1374 68. 00-R-1375 69. 00-R-1376 70. 00-R-1377 71. 00-R-1378 72. 00-R-1379 73. 00-R-1380 74. 00-R-1381 75. 00-R-1382 76. 00-R-1383 77. 00-R-1384 78. 00-R-1385 79. 00-R-1386 80. 00-R-1405 81. 00-R-1406 82. 00-R-1407 83. 00-R-1408 84. 00-R-1409 85. 00-R-1410 86. 00-R-1411 87. 00-R-1412 88. 00-R-1413