



CITY OF ATLANTA
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

October 26, 2000

Gary & Mary Anne McGhee
1034 Ira Street, Southwest
Atlanta, Georgia 30310

00-R-1601

Dear Mr. & Mrs. McGhee:

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 October 16, 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

RCS# 2337
10/16/00
8:35 PM

Atlanta City Council

Regular Session

MUTIPLE CLAIMS WITH FAVORABLE/Unfavor recommend
00-R-1601 ITEMS 1-29
ADOPT

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

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

MUTIPLE

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0461

Date: September 26, 2000

Claimant /Victim GARY & MARY ANNE MCGHEE

BY: (Atty) (Ins. Co.)

Address: 1034 Ira Street, SW, Atlanta, Georgia 30310

Subrogation: Claim for Property damage \$ 2,500.00 Bodily Injury \$

Date of Notice: 7/19/00 Method: Written, Proper X Improper

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

Date of Occurrence 5/7/00 Place: 1034 Ira Street, SW

Department PUBLIC WORKS Division Sewer Operations

Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimants allege that their home sustained damages from a sewer back up. However, the claimants erred in providing the actual date of the event. An investigation determined that the City was never notified of a problem at this location, nor was there a record of any mainline sewer work done at or near claimants' residence on or about May, 7, 2000.

INVESTIGATION:

Statements: City employee Claimant X Others Written Oral X

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 X Other 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 09 28 00

Committee Action Council Action

BURNS
07/19/00

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: 06-22-00

ENTERED - 8-1-00 - SB
00L0461 - GWEN BURNS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 2,500 dollars property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: May-7-00 2. Time of Incident: 8:00pm 3. Police called: _____ NO
(month/day/year) until Yes No

FROM 97-00
TIME (HOURS) THE DAMAGE AS BEEN TO DO.

4. Location of incident (including street address): 1034 Ira st SW Atlanta GA 30310

5. Name of your insurance company: We don't have insurance Policy No. _____

6. State what and how incident occurred: We came home from work, and the basement was flooded, we lost, 4 DVD Sticks - a JVC VHS VCR, a Sony stereo system, Sony stereo system, weed eaters, 2 lawn mowers, and (3) ladders (1) 150 Foot ladder one GAS GRILL, Bissell power steamer, and new hot water tank.

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 acknowledgment 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.

Mary Anne McGhee
Signature of Claimant

Mary Anne McGhee
(Print Claimant's Name)

1034 Ira st SW
(Address)

Atlanta, GA 30310
(City, State and Zip Code)

00- -1601

(404) 254-3286
(Work Number) (Home Number)

