



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

Rosie Mae Jacobs
1642 Mary George Ave., NW
Atlanta, Ga 30318

00-R-1602

Dear Ms. Jacobs:

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

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0504

Date: September 26, 2000

Claimant /Victim ROSIE MAE JACOBS
BY: (Atty) (Ins. Co.)
Address: 1642 Mary George Avenue, NW, Atlanta, Georgia 30318
Subrogation: Claim for Property damage \$ 2,500.00 Bodily Injury \$
Date of Notice: 8/1/00 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)
Date of Occurrence 12/6/99 Place: 1642 Mary George Avenue, NW
Department PUBLIC WORKS Division Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that she sustained damages to her home from a sewer back up. However, the claimant erred in providing the actual date of the event. An investigation determined that claimant's most recent back up occurred on December 6, 1999. In light of the foregoing, the claim as presented does not comply with the same requirements of notice as set forth in O.C.G.A. Section 36-33-5(b). The six month statute of limitation expired prior to receipt of the claim.

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 X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 09-28-00
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

08/21/00

Today's Date: 7/31/2000

AUG - 1 2000

Very Important BURNS

Please
Come Out and
See.

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 2,500.00 property and/or \$ 2,500.00 bodily injury for which I contend the City is liable. ENTERED - 8-28-00 - SB 00L0504 - GWEN BURNS

1. Date of incident: 02/14/2000 2. Time of incident: 6: A.M. 3. Police called: Yes No

4. Location of incident (including street address): 1642 MARY Georgia Ave. N.W.

5. Name of your insurance company: ~~Geac Insurance~~ Policy No. 0

6. State what and how incident occurred: All Damage is Inside of the house
City pipes from the street backed-up the
waste into the house every where, All the
Carpet had to come up off the floor, and some
of the furniture had to be replaced. Now

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:	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
	(Make)	(Year)	(Tag Number)	(Driver's Name)
City vehicle:	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
	(Make)	(City Driver's Name)		(Department/Bureau)
9. Witness:	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
	(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.

Rosie Mae Jacobs
Signature of Claimant

Rosie Mae Jacobs
(Print Claimant's Name)

1642 MARY Georgia Ave N.W.
(Address)

Atlanta, GA. 30318
(City, State and Zip Code)

0 (404) 794-781
(Work Number) (Home Number)

Ohel Jacobs

00- -1602

Entered - 08/28/00 - sb
CL - 00L0504

CLAIM OF: Rosie Mae Jacobs
1642 Mary George Avenue, NW
Atlanta, Georgia 30318

00- 2-1602

For property damages alleged to have been sustained as a result of
a sewer back up on December 6, 1999 at 1642 Mary George
Avenue, NW.

THIS ADVERSED REPORT IS
APPROVED

BY: Rosalind R Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

Regular Report Agenda

ADVERSE REPORT

CONF. P.S. & L.A.

10/16/00

✓ Cleta Harrison

[Signature]
[Signature]
[Signature]

ADVERSED BY
CITY COUNCIL OCT 16 2000

CERTIFIED
OCT 16 2000
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
OCT 16 2000
Phoncia Douglas Johnson
MUNICIPAL CLERK