



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

Montine Wilburn
2329 Colorado Trail, SW
Atlanta, GA 30331

00-R-1603

Dear Ms. Wilburn:

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
ITEMS 1-29
ADOPT
00-R-1603

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. 98L0185

Date: September 26, 2000

Claimant /Victim MONTINE WILBURN
BY: (Atty) (Ins. Co.)
Address: 2329 Colorado Trail, SW, Atlanta, Georgia 30331
Subrogation: Claim for Property damage \$ 2,000.00 Bodily Injury \$
Date of Notice: 2/25/98 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 2/2/98 Place: 2329 Colorado Trail, SW
Department PUBLIC WORKS Division Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges she sustained damages 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 February 2, 1998 occurrence. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

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 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,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

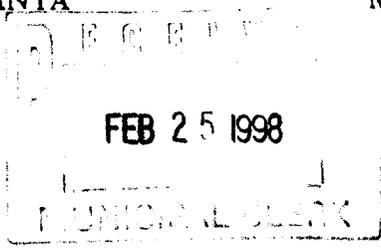
Pay \$ Adverse Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 09-29-00
Committee Action: Council Action

Oatis
03/10/98
DO

COUNCIL OF THE CITY OF ATLANTA
CLERK OF COUNCIL
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 2/22/98



ENTERED - 3-18-98 - SB
98L0185 - ANTHONY OATIS

Dear Clerk of Council:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 2600.00 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 2/2/98
(month/day/year) 2. Police called: _____
Yes No

3. Location of incident: 2329 Colorado Trail, Atlanta, Ga. 30331

4. Name of your insurance company: State Farm Policy No. 11-E27718-9

5. State what and how incident occurred: City's sewer line stopped up - caused water to flood basement/den damaging carpet, furniture, dryer, stereo speakers, doors and walls

6. 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!

7. 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)

8. Witness: _____
(name) (address) (telephone number)

9. The acknowledgement 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).

10. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Martine Wilborn
(claimant's name)

2329 Colorado Trail
(address)

Atlanta Ga.
(city and state)

404-529-2005 344-7758
(work number) (home number)

00- 1603

Entered - 03/18/98 - sb
CL - 98L0185

CLAIM OF: Montine Wilburn
2329 Colorado Trail, SW
Atlanta, Georgia 30331

00- R -1603

For property damages alleged to have been sustained as a result of
a sewer back up on February 2, 1998 at 2329 Colorado Trail, SW.

THIS ADVERSED REPORT IS
APPROVED

BY: Rosalind R. Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

Regular Report Agenda

ADVERSED REPORT

cc: P.S. + L.A.

10/16/00
✓ Cela Johnson

Sh...
D...
...

ADVERSED OCT 16 2000

CERTIFIED
OCT 16 2000
ATLANTA CITY COUNCIL PRESIDENT
Robert J. Pitts

CERTIFIED
OCT 16 2000
Ronda Daughlin Johnson
MUNICIPAL CLERK