

Entered - 08/09/99 - sb
CL - 99L0470 - GWENDOLYN BURNS

CLAIM OF: Allen Clemens
1270 W. Peachtree Street, NW, #11-A
Atlanta, Georgia 30309

00-12-1833

For property damages alleged to have been sustained from a storm sewer overflow on July 6, 1999 at 12 Peachtree Avenue, NE, #9.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY
CONSENT AGENDA

ADVERSED REPORT
Public Safety
11/14/00
City of Atlanta
Michael [Signature]
[Signature]

ADVERSED
CITY COUNCIL NOV 20 2000

CERTIFIED
NOV 20 2000
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
NOV 20 2000
Renee Dandrea Johnson
MUNICIPAL CLERK



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

November 28, 2000

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

Allen Clemens
1270 W. Peachtree St., NW
Apart,emt 11-A
Atlanta, GA 30309

00-R-1833

Dear Mr. Clemens:

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 November 20, 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. 99L0470

Date: October 31, 2000

Claimant /Victim ALLEN CLEMENS
BY: (Atty) (Ins. Co.)
Address: 1270 West Peachtree Street, NW, #11-A, Atlanta, Georgia 30309
Subrogation: Claim for Property damage \$ 2,000.00 Bodily Injury \$
Date of Notice: 7/29/99 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 7/6/99 Place: 12 Peachtree Avenue, NE, #9
Department PUBLIC WORKS Division Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that his apartment sustained damages from an over flow of storm sewer drains located on the property. An investigation determined that the City responded in a timely manner to the July 6, 1999 occurrence. Further review of the records indicated that the City did not have notice of any problems at this location prior to the July 6, 1999 occurrence. The City is immune from liability as set forth in O.C.G.A. §36-33-1. (cc: claim 99L0470)

INVESTIGATION:

Statements: City employee X Claimant 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,

Investigator signature: Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

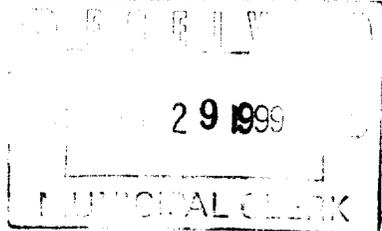
RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: [Signature] Concur/date 11-02-00
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

BURNS
08/04/99
July 25/99



ENTERED - 8-9-99 - SB
99L0470 - GWEN BURNS

07-29-99P05:39 RCVD
est.

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 2000.00 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 7-6-99 (month/day/year). 2. Time of Incident: 5pm 3. Police called: X
Yes No

4. Location of incident (including street address): 12 Peachtree Ave #9 Atlanta GA.

5. Name of your insurance company: _____ Policy No. 30305

6. State what and how incident occurred: Flooding of apartment due to city sewer - resulting in furniture damage, household goods, and resulting in us having to move with resulting expense

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 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]
Signature of Claimant

Allen Clemens
(Print Claimant's Name)

1270 West Peachtree St NW # 11A
(Address)

Atlanta GA 30309
(City, State and Zip Code)

404-874-0298
(Work Number) (Home Number)

00- R-1833

Council President Tro Lem Starnes
Presided

RCS# 2401
11/20/00
2:00 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-18

00-R-1849
(Morris Voted NAY)

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
Y Woolard
Y Morris
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

Y Thomas
Y Emmons
NV Alexander
NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA

- 00-O-1111
- 00-R-1693
- 00-R-1694
- 00-R-1695
- 00-R-1696
- 00-R-1697
- 00-R-1804
- 00-R-1835

CONSENT

11/20/00 Council Meeting		
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1690	30. 00-R-1815	55. 00-R-1816
2. 00-O-1691	31. 00-R-1849#	56. 00-R-1817
3. 00-O-1692	32. 00-R-1858	57. 00-R-1818
4. 00-O-1845	33. 00-R-1862	58. 00-R-1819
5. 00-O-1864	34. 00-R-1787*	59. 00-R-1820
6. 00-O-0728	35. 00-R-1790	60. 00-R-1821
7. 00-R-1702	36. 00-R-1791	61. 00-R-1822
8. 00-R-1703	37. 00-R-1794	62. 00-R-1823
9. 00-R-1705	38. 00-R-1798	63. 00-R-1824
10. 00-R-1707	39. 00-R-1861	64. 00-R-1825
11. 00-R-1850	40. 00-R-1686	65. 00-R-1826
12. 00-R-1865	41. 00-R-1843	66. 00-R-1827
13. 00-R-1851	42. 00-R-1869	67. 00-R-1828
14. 00-R-1873	43. 00-R-1870	68. 00-R-1829
15. 00-R-1622	44. 00-R-0973	69. 00-R-1830
16. 00-R-1623	45. 00-R-0816	70. 00-R-1831
17. 00-R-1699	46. 00-R-1803	71. 00-R-1832
18. 00-R-1775*	47. 00-R-1805	72. 00-R-1833
19. 00-R-1776*	48. 00-R-1806	73. 00-R-1834
20. 00-R-1777*	49. 00-R-1807	74. 00-R-1836
21. 00-R-1782	50. 00-R-1808	75. 00-R-1837
22. 00-R-1687	51. 00-R-1809	76. 00-R-1838
23. 00-R-1668	52. 00-R-1810	77. 00-R-1839
24. 00-R-1786	53. 00-R-1811	78. 00-R-1840
25. 00-R-1789	54. 00-R-1812	79. 00-R-1841
26. 00-R-1799		80. 00-R-1842
27. 00-R-1800		
28. 00-R-1813		
29. 00-R-1814		
		* President Pitts recused himself.
		# Lee Morris not voting.