

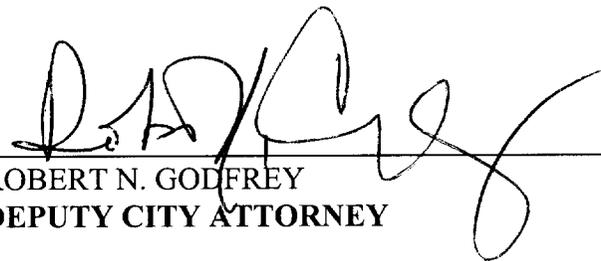
Entered -11-8-99 - sb
CL 99L0728 - GWENDOLYN BURNS

CLAIM OF:

MARK SWIECICHOWSKI
JAMES & ROBERTA UNGER
566 Hickory Hills Court
Stone Mountain, Georgia 30083

For property damages alleged to have been sustained when a sidewalk and parking lot were destroyed during the construction of Centennial Place Apartments in July, 1999 at 381 Venable Street, NW.

THIS ADVERSED REPORT IS
APPROVED

BY: 
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

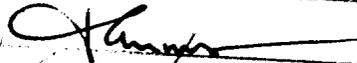
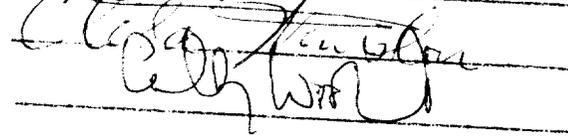
ADVERSED BY CITY COUNCIL 01-13-2001

ADVERSED REPORT

COM. P.S. & L.A.

DATE 1/16/01

CHIEF C. T. Martin



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

January 26, 2001

Mark Swiecichowski James &
Roberta Unger
566 Hickory Hills Court
Stone Mountain, GA 30083

01-R-0047

Dear Mr. James & Ms. Unger:

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 January 16, 2001. 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. 99L0728

Date: December 27, 2000

Claimant /Victim MARK SWIECICHOWSKI / JAMES & ROBERTA UNGER

BY: (Atty) (Ins. Co.)

Address: 566 Hickory Hills Court, Stone Mountain, Georgia 30083

Subrogation: Claim for Property damage \$ Unspecified Bodily Injury \$ unspecified

Date of Notice: 10/22/99 Method: Written, Proper X Improper

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

Date of Occurrence 7/99 to present Place: 381 Venable Street, NW

Department Division

Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimants allege that their property sustained damage during the construction of Centennial Place Apartments. An investigation determined that an outside contractor performed work at the incident location. Claimants have been advised that their claim has been forwarded to the contractor for resolution.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police Dept Report Other X

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial

Improper Notice More than Six Months Other X Damages reasonable

City not involved X 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 12-27-00

Committee Action: Council Action

RCS# 2563
1/16/01
4:18 PM

Atlanta City Council

Regular Session

Claims

MULTIPLE

Unfavorable Items 9-33

01-R-0012	01-R-0023	ADOPT	
01-R-0013	01-R-0024		
01-R-0014	01-R-0025	YEAS:	13
01-R-0015	01-R-0026	NAYS:	0
01-R-0016	01-R-0027	ABSTENTIONS:	0
01-R-0017	01-R-0044	NOT VOTING:	3
01-R-0018	01-R-0045	EXCUSED:	0
01-R-0019	01-R-0047	ABSENT	0
01-R-0020	01-R-0048		
01-R-0021	01-R-0049		
01-R-0022	01-R-0050		
	01-R-0051		
		01-R-0052	

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

MULTIPLE