

Entered - 3-25-97 - tew
CL97L0128 - ALEXIS HOLMES

01-R-0144

CLAIM OF: **MIKE OTWELL**
521 Honeysuckle Lane
Palmetto, Georgia 30268

For alleged damages sustained due to water damage on March 6,
1997 at 8305 Rivertown Road, Fairburn, Georgia.

THIS ADVERSED REPORT IS APPROVED

ADVERSED BY
CITY COUNCIL FEB 05 2001

BY: Rosalind Rubens Newell by
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY *Rubens Newell DCA*

ADVERSE REPORT

COM. Public Safety

DATE 1-30-01

CH. ...

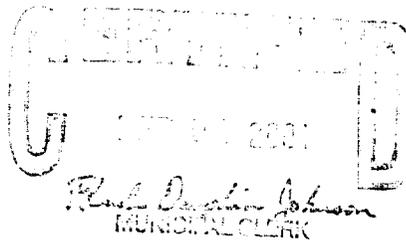
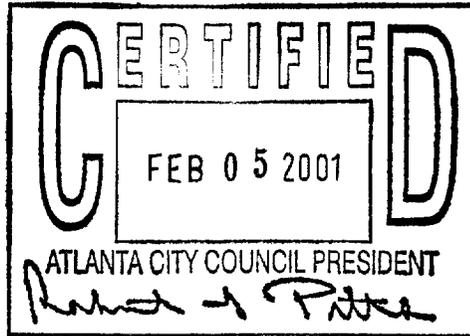
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CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK

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

February 15, 2001

Mike Otwell
521 Honeysuckle Lane
Palmetto, GA 30268

01-R-0144

Dear Mr. Otwell:

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 February 05, 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. 970128

Date: 1/8/01

Claimant /Victim MIKE OTWELL
By Attorney:
Address: 521 Honeysuckle Lane, Palmetto, Georgia 30268
Subrogation: Claim for Property damage \$ 1,500 Bodily Injury \$
Date of Notice: 3/20/97 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 3/6/97 Place: 8305 Rivertown Road, Fairburn, Georgia 30268
Department Water Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that after calling to have water services connected in his rental property, he was told that he would have to make a written application. The claimant further alleges that although he had not made a formal application, the water service was turned on the following day and as a result the property sustained damage due to utility connection being left on. The investigation determined that during the water billing dates beginning March 3, 1997 and ending on April 17, 1997, no abnormal meter readings occurred to indicate an overflow of water. The total bill for this period was \$17.21.

INVESTIGATION:

Statements: City employee X Claimant Other Written Oral
Pictures Diagrams Reports: Police Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial X
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,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 01-18-01
Committee Action: Council Action



RCS# 2577
2/05/01
2:28 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-14

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty	B 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	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA

00-O-2069
01-O-0083
01-R-0074
01-R-0092
01-R-0093

CONSENT

ITEMS ADOPTED ON CONSENT
AGENDA

ITEMS ADVERSED
ON CONSENT AGENDA

1. 00-O-1856
2. 01-O-0091
3. 01-O-0094
4. 01-O-0065
5. 01-O-0090
6. 01-O-0097
7. 01-O-0109
8. 00-R-2105
9. 01-R-0078
10. 01-R-0153
11. 01-R-0102
12. 00-R-0729
13. 01-R-0071
14. 01-R-0077
15. 01-R-0114
16. 01-R-0115
17. 01-R-0116
18. 01-R-0117
19. 01-R-0118
20. 01-R-0145
21. 01-R-0149
22. 01-R-0073
23. 01-R-0101
24. 01-R-0147
25. 01-R-0119
26. 01-R-0120
27. 01-R-0122
28. 01-R-0123
29. 01-R-0124
30. 01-R-0125
31. 01-R-0126
32. 01-R-0127
33. 01-R-0128
34. 01-R-0129
35. 01-R-0130
36. 01-R-0146

37. 01-R-0131
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 46. 01-R-0140
 47. 01-R-0141
 48. 01-R-0142
 49. 01-R-0143
 50. 01-R-0144
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