



## 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

March 14, 2001

Joseph and Ethel Holmes  
3752 Stephanie Drive, SW  
Atlanta, GA 30331-5523

01-R-0271

Dear Mr. & Mrs. Holmes:

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 March 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**

Entered - 11/02/00 - sb  
CL00L0668 - DIANNE C. MITCHELL

CLAIM OF: **JOSEPH AND ETHEL HOLMES**  
**3752 Stephanie Drive, SW**  
**Atlanta, Georgia 30331-5523**

01-*R*-0271

For damages alleged to have been sustained as a result of a sewer  
back up on August 1, 2000 at 3752 Stephanie Drive, SW.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*  
**ROSALIND RUBENS NEWELL**  
**DEPUTY CITY ATTORNEY** *Robert M. Craig DCA*

CITY CLERK MAR 05 2001

**ADVERSE REPORT**  
COM. *P.S. L.A.*  
DATE *2/27/01*  
CHM. *C. T. Adams*  
*Michael Adams*  
*Danny Smith*  
*Cela Henderson*

**CERTIFIED**  
MAR 05 2001  
ATLANTA CITY COUNCIL PRESIDENT  
*Robert M. Pitts*

**CERTIFIED**  
MAR 05 2001  
*Rhonda Daughin Johnson*  
MUNICIPAL CLERK

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0668

Date: February 12, 2001

Claimant /Victim JOSEPH AND ETHEL HOLMES

BY: (Atty) \_\_\_\_\_

Address: 3752 Stephanie Drive, SW, Atlanta, Georgia 30331-5523

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 4,430.00 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 10/23/00 Method: Written, proper X Improper \_\_\_\_\_

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

Date of Occurrence 08/01/00 Place: 3752 Stephanie Drive, SW

Department Public Works Division: Sewer Operations

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimants' allege their property was damaged due to a sewer back up. The investigation determined the City had no notice of any problems with the sewer line prior to the incident involving the claimants. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ 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 X Ministerial \_\_\_\_\_

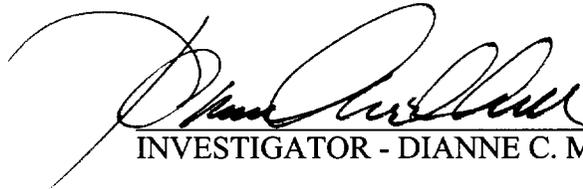
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

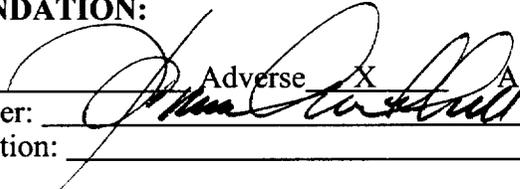
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 02-20-01

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

Mitchell

11/02/00

DAM

Today's Date: 10-19-00

Dear Municipal Clerk:

ENTERED - 11-2-00 - SB  
00L0668 - DIANNE MITCHELL

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 4430.00 property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: 8-1-00 2. Time of Incident: \_\_\_\_\_ 3. Police called: \_\_\_\_\_  Yes  No  
(month/day/year).

4. Location of incident (including street address): 3752 Stephanie DR SW, ATL, GA

5. Name of your insurance company: STATE FARM Policy No. \_\_\_\_\_

6. State what and how incident occurred: Blockage in street caused Raw Sewage to Enter Home and make a total mess, Destroying a number of Items as well as damage Home. (see pictures)

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 of Claimant

Joseph & Ethel Holmes  
(Print Claimant's Name)

3752 Stephanie Dr, SW  
(Address)

Atlanta, Ga. 30331-5523  
(City, State and Zip Code)

(Work Number)

(Home Number)

01-R-0271

RCS# 2689  
3/05/01  
6:36 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1 thru. 13

ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 1

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

NV McCarty	Y Dorsey	Y Moore	Y Thomas	<b>ITEM (S) REMOVED FROM CONSENT AGENDA</b> 01-O-0240 01-R-0307 01-R-0346
Y Starnes	Y Woolard	NV Martin	Y Emmons	
Y Bond	Y Morris	B Maddox	Y Alexander	
Y Winslow	Y Muller	Y Boazman	NV Pitts	

CONSENT

**ITEMS ADOPTED ON CONSENT  
AGENDA**

**ITEMS ADVERSED  
ON CONSENT AGENDA**

1. 01-O-0179
2. 01-O-0348
3. 00-O-1657
4. 01-O-0355
5. 01-O-0152
6. 01-R-0190
7. 01-R-0349
8. 01-R-0351
9. 01-R-0290
10. 01-R-0304
11. 01-R-0305
12. 01-R-0369
13. 01-R-0370
14. 01-R-0297
15. 01-R-0300
16. 01-R-0298
17. 01-R-0299
18. 01-R-0251
19. 01-R-0252
20. 01-R-0253
21. 01-R-0254
22. 01-R-0255
23. 01-R-0256
24. 01-R-0257
25. 01-R-0258
26. 01-R-0259
27. 01-R-0260
28. 01-R-0261
29. 01-R-0262
30. 01-R-0263
31. 01-R-0264
32. 01-R-0265
33. 01-R-0266
34. 01-R-0267
35. 01-R-0268
36. 01-R-0269
37. 01-R-0291
38. 01-R-0292

39. 01-R-0270
  40. 01-R-0271
  41. 01-R-0272
  42. 01-R-0273
  43. 01-R-0274
  44. 01-R-0275
  45. 01-R-0276
  46. 01-R-0277
  47. 01-R-0278
  48. 01-R-0279
  49. 01-R-0280
  50. 01-R-0281
  51. 01-R-0282
  52. 01-R-0283
  53. 01-R-0284
  54. 01-R-0285
  55. 01-R-0286
  56. 01-R-0287
  57. 01-R-0288
  58. 01-R-0289
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