

Entered - 12/01/00 - sb
CL00L0716 - DIANNE C. MITCHELL

CLAIM OF: **RICHARD CARROLL**
993 Longley Avenue, NW
Atlanta, Georgia 30318

01- *R* -0281

For damages alleged to have been sustained as a result of the demolition of property at 1004 Herndon Street, NW on August 23, 2000.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell* by
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY *Robert N. Gray DCA*

ATLANTA CITY COUNCIL MAR 05 2001

ADVERSE REPORT

COM. _____

DATE _____

CHM. *C. T. Martin*

Michael R...

Dora...

Cled...

CERTIFIED
MAR 05 2001
ATLANTA CITY COUNCIL PRESIDENT
Robert N. Gray

CERTIFIED
MAR 05 2001
Rhonda Daphnia Johnson
MUNICIPAL CLERK



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

Richard Carroll
993 Longley Ave., NW
Atlanta, GA 30318

01-R-0281

Dear Mr. Carroll:

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

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0716

Date: February 8, 2001

Claimant /Victim RICHARD CARROLL

BY: (Atty)(Ins. Co.) _____

Address: 993 Longley Avenue, NW, Atlanta, Georgia 30318

Subrogation: _____ Claim for Property damage \$ 82,000.00 Bodily Injury \$ _____

Date of Notice: 10/31/00 Method: Written, proper X Improper _____

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

Date of Occurrence 08/23/00 Place: 1004 Herndon Street, NW

Department Planning, Development and Neighborhood Conservation Division: _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges his property was wrongfully demolished by the City. The investigation determined that the City followed the proper procedures in providing notice and public hearings prior to the demolition of the claimant's property.

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 _____

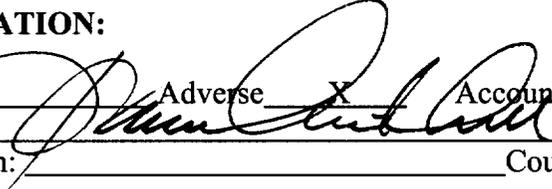
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

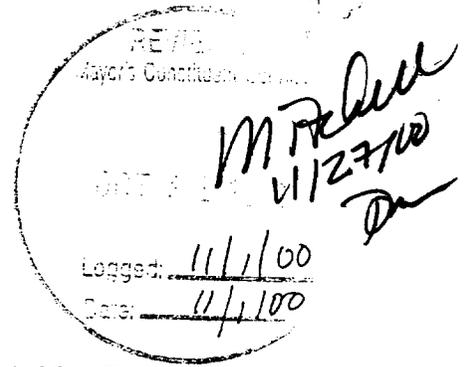
Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 02-08-01

Committee Action: _____ Council Action _____

October 27, 2000

MAYOR BILL CAMPBELL
55 Trinity Avenue, Suite 2400
Atlanta, Georgia 30335



RE: 1004 Herndon Street, NW, Parcel I.D. # 17-0189-0004-004-5

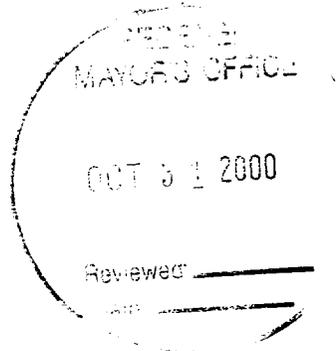
ENTERED - 12-1-00 - SB
00L0716 - DIANNE MITCHELL

Dear Mr. Mayor,

On August 20, 2000 the City of Atlanta demolished my historic house at 1004 Herndon Street, NW (Parcel I.D. # 17-0189-0004-004-5). Through an open records request and conducting my own investigation of this matter, I discovered the City of Atlanta did not follow its own due process procedures. I alleged the city acted erroneously and out of legal context. I have suffered a taking and I hereby make it known that I am seeking restitution in the amount of \$82,000 for the loss of the structure and in addition any legal or processing fees which I may incur in processing and resolving this matter. Your urgent attention to this case would be appreciated.

Regards,

Richard Carroll
993 Longley Avenue, N.W.
Atlanta, Georgia 30318
404-799-7752



Enclosure

CC:
Department of Planning, Development, & Neighborhood Conservation:
Michael Dobbins
Carl Smart

01-R-0281

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	ITEM (S) REMOVED FROM CONSENT AGENDA 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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