

Entered -8-17-99 - sb
CL 99L0526 - GWENDOLYN BURNS

01-R-0379

CLAIM OF:

TRISHA & JOE RODRIGUEZ
411 Springdale Drive, NE
Atlanta, Georgia 30305

For damages alleged to have been sustained due to a flood which occurred as a result of a creek overflow on July 6, 1999 and July 11, 1999 at 411 Spingdale Drive, NE.

THIS ADVERSED REPORT IS APPROVED

CITY OF ATLANTA
MAY 19 9 2001

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CERTIFIED
MAR 19 2001
ATLANTA CITY COUNCIL PRESIDENT
Ronald A. Pitts

REPORT

COM. Public Safety
DATE 3/13/01
OFF. C. T. Morris
Michael Woodard
Claudia Johnson
W. J. ...
...

CERTIFIED
MAR 19 2001
Ronald A. Johnson
MUNICIPAL CLERK

3/19/01 - Councilmembers Morris & Woodard Voted NAY



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

April 2, 2001

Trisha & Joe Rodriguez
411 Springdale Drive, NE
Atlanta, GA 30305

01-R-0379

Dear Mr. & Mrs. Rodriguez:

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 19, 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. 99L0526

Date: February 2, 2001

Claimant /Victim TRISHA & JOE RODRIGUEZ
BY: (Atty) (Ins. Co.)
Address: 411 Springdale Drive, NE, Atlanta, Georgia 30305
Subrogation: Claim for Property damage \$17,821.96 Bodily Injury \$
Date of Notice: 8/3/99 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, 7/11/99 Place: 411 Springdale Drive, NE,
Department PUBLIC WORKS Division SEWER OPERATIONS
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimants sustained property damage when their home was flooded as a result of the creek overflowing behind their home on the above-listed date. An investigation determined that the City did not have any complaints of debris or fallen trees in the creek until after the date of claimants' incident. Furthermore, the City experienced severe rain storms, "acts of God", on the days of the incidents which caused the creek to overflow. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee X Claimant Others Written X 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 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,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

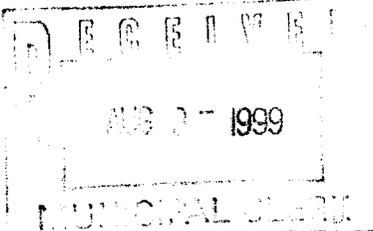
Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 03-01-01
Committee Action: Council Action

BURNS
08/17/99
[Signature]

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 7/25/99



ENTERED - 8-17-99 - SB
99L0526 - GWEN BURNS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 17,821.96 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 07/06/99: 07/11/99 (month/day/year) 2. Time of Incident: 7-6-99 5:00 PM 3. Police called: 7-11-99 4:00 PM Yes No

4. Location of incident (including street address): 411 Springdale Drive, ATL, GA 30305

5. Name of your insurance company: Nationwide Policy No. 7710HOLD5242

6. State what and how incident occurred: See attachment.

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.

Trisha Rodriguez
Signature of Claimant

Trisha Joe Rodriguez
(Print Claimant's Name)

411 Springdale Drive
(Address)

Atlanta, GA 30305
(City, State and Zip Code)

404-784-0588 404-888
(Work Number) (Home N)

**Trisha Rodriguez
411 Springdale Drive, NE
Atlanta, Georgia 30305
404-885-1337**

July 25, 1999

Councilman Lee Morris
55 Trinity Avenue, SW
Atlanta, Georgia 30335

Dear Mr. Morris,

RE: Creek Flooding @ Springdale, Sharondale, and Birchwood

I am writing you to solicit your help in resolving the recent flooding that we have been experiencing from the creek that runs behind our property. On July 6, 1999 during heavy rains, the creek swelled beyond its banks, across my backyard, up the back of my house and into my basement. The yard resembled the Chattahoochie River, with logs, debris, and raw sewer rushing downstream. I lost thousands of dollars in personal property and landscaping that my homeowners insurance will not cover.

Five (5) days later, on the afternoon of July 11, 1999, we experienced a typical afternoon thunderstorm. Once again the creek crested its banks and flooded the entire backyard and entered the house. Understand, we are not in a flood zone! This has never occurred before and it is not just the result of some fluke downpour. That is obvious by the fact that it has occurred twice in five days.

We feel there is now more surface water coming into this tiny creek than ever before. We have examined the creek and culverts during heavy rains. The creek is blocked with debris and trees, but most importantly, the culverts at Sharondale and Lindbergh are not large enough to transpose the increased water volume from one side of the street to the other

My house was for sale when these floods took place. Since then I have removed my home from the market. I have to disclose by law that the creek has flooded more than once and will likely flood again. Until the city comes up with a solution to solve this crisis, my home is not marketable to buyers and my property value has been severely damaged.

This problem requires immediate attention. Every time we endure a rainstorm we run the risk of property loss. We understand that the citizens of Atlanta approved a bond referendum in 1994 in order to address these very problems. We respectfully request that these resources be directed toward resolving this crisis immediately, before any of us experience any further property loss.

Sincerely,

Trisha Rodriguez

01-*R*-0379

RCS# 2725
3/19/01
2:52 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 15

ADOPT

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

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

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

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0067

Woolard & Morris voted Nay on the
following items:

01-R-0379
01-R-0392
01-R-0393
01-R-0394
01-R-0395
01-R-0396

CONSENT

RCS# 2726
3/19/01
2:54 PM

Atlanta City Council

Regular Session

CONSENT *Reconsidered*
1

Pages 1 thru 15

ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

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

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0067
01-O-0354

Woolard & Morris voted Nay on the
following items:

01-R-0379
01-R-0392
01-R-0393
01-R-0394
01-R-0395
01-R-0396

CONSENT

RCS# 2753
3/19/01
5:40 PM

Atlanta City Council

Regular Session

CONSENT *Reconsidered*
2

Pages 1 thru 15

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

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

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0067
01-O-0354
01-O-0188

Woolard & Morris voted Nay on the
following items:

01-R-0379
01-R-0392
01-R-0393
01-R-0394
01-R-0395
01-R-0396

CONSENT

**ITEMS ADOPTED ON
CONSENT AGENDA**

**ITEMS
ADOPTED ON
CONSENT
AGENDA**

**ITEMS
ADVERSED
ON CONSENT
AGENDA**

1. 01-O-0306
2. 01-O-0445
3. 01-O-0449
4. 01-O-0450
5. 01-O-0098
6. 01-O-0178
7. 01-O-0302
8. 01-O-0367
9. 00-O-1987
10. 01-O-0448
11. 00-O-2069
12. 01-O-0446
13. 01-O-0187
14. 01-O-0294
15. 01-R-0411
16. 01-R-0412
17. 01-R-0413
18. 01-R-0414
19. 01-R-0420
20. 01-R-0421
21. 01-R-0475
22. 01-R-0428
23. 01-R-0429
24. 01-R-0477
25. 01-R-0220
26. 01-R-0430
27. 01-R-0447
28. 01-R-0452
29. 01-R-0458
30. 01-R-0417
31. 01-R-0426
32. 01-R-0427
33. 00-R-1466
34. 01-R-0416
35. 01-R-0419
36. 01-R-0424
37. 01-R-0108
38. 01-R-0189

39. 01-R-0397
40. 01-R-0398
41. 01-R-0399
42. 01-R-0400
43. 01-R-0401
44. 01-R-0402
45. 01-R-0403
46. 01-R-0404
47. 01-R-0405
48. 01-R-0406
49. 01-R-0407
50. 01-R-0408
51. 01-R-0409
52. 01-R-0410
53. 01-R-0433
54. 01-R-0434
55. 01-R-0435
56. 01-R-0436

57. 01-R-0437
 58. 01-R-0438
 59. 01-R-0375
 60. 01-R-0376
 61. 01-R-0377
 62. 01-R-0378
 63. 01-R-0379
 64. 01-R-0380
 65. 01-R-0381
 66. 01-R-0382
 67. 01-R-0383
 68. 01-R-0384
 69. 01-R-0385
 70. 01-R-0386
 71. 01-R-0387
 72. 01-R-0388
 73. 01-R-0389
 74. 01-R-0390
 75. 01-R-0391
 76. 01-R-0392
 77. 01-R-0393
 78. 01-R-0394
 79. 01-R-0395
 80. 01-R-0396
 81. 01-R-0440
 82. 01-R-0439
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