

Entered - 02/09/01 - sb  
CL01L0093 - DIANNE C. MITCHELL

CLAIM OF: **PHYLLIS D. BETTERSON**  
**3113 Rose Heath Lane**  
**Lithonia, Georgia 30038**

01-*R*-0382

For damages alleged to have been sustained as a result of a sewer  
back up on March 30, 2000 at 1656 Westwood Avenue, SW.

THIS ADVERSED REPORT IS APPROVED

APPROVED  
DATE: 3/13/01

BY: *Robert N. Godfrey*  
**ROBERT N. GODFREY**  
**DEPUTY CITY ATTORNEY**

**ADVERSE REPORT**  
COM. *Public Safety*  
DATE *3/13/01*  
CHM. *C. T. M...*  
*[Signature]*  
*[Signature]*  
*[Signature]*

**CERTIFIED**  
MAR 19 2001  
ATLANTA CITY COUNCIL PRESIDENT  
*[Signature]*

**CERTIFIED**  
MAR 19 2001  
*[Signature]*  
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

April 2, 2001

Phyllis D. Betterson  
3113 Rose Heath Lane  
Lithonia, GA 30038

01-R-0382

Dear Ms. Betterson:

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. 01L0093

Date: February 21, 2001

Claimant /Victim PHYLLIS D. BETTERSON

BY: (Atty)(Ins. Co.) \_\_\_\_\_

Address: 3113 Rose Heath Lane, Lithonia, Georgia 30038

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 423.00 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 01/30/01 Method: Written, proper X Improper \_\_\_\_\_

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

Date of Occurrence 03/30/00 Place: 1656 Westwood Avenue, SW

Department Public Works Division: Sewer Operations

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

NATURE OF CLAIM: The claimant alleges that her property was damaged due to a sewer back up. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, the six month statute of limitations expired prior to receipt of the claim.

INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ 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 X 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,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

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

Claims Manager: [Signature] Concur/date 02-27-01

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

Today's Date: Jan. 24, 2001

JAN 30 2001

*M. P. ...*  
02/08/09  
*DM*

Dear Municipal Clerk:

ENTERED - 2-9-01 - SB  
0110093 - DIANNE MITCHELL

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 423.00 property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: March 30, 2000 (month/day/year)  
2. Police called: Yes  No  
3. Location of incident: 1656 Westwood Ave. S.W., Atlanta, GA 30310  
4. Name of your insurance company: State Farm Policy No. \_\_\_\_\_

5. State what and how incident occurred: Sewer line backed up and flooded my basement with approximately 3 feet of raw sewage. After contact with the City of Atlanta Sewer Dept. Mr. Callahan a crew was dispatched for repair of the street sewer line and for removal, clean up and sanitizing of my basement. This backup caused damage to the furnace, water heater and miscellaneous household items. All of these items were thrown away (household items)

6. 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!  
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)  
Witness: \_\_\_\_\_  
(name) (address) (telephone number)

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 employees).  
This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Phyllis D. (Alston) BETHERSON  
(claimant's name)  
3113 Rose Heath Lane  
(address)  
Lithonia, GA 30038  
(city and state)  
770-323-0280 770-808-6620  
(work number) (home number)

01-R -0382

PLEASE SEE ATTACHMENT

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  | 39. 01-R-0397 | 57. 01-R-0437 |
| 2. 01-O-0445  | 40. 01-R-0398 | 58. 01-R-0438 |
| 3. 01-O-0449  | 41. 01-R-0399 | 59. 01-R-0375 |
| 4. 01-O-0450  | 42. 01-R-0400 | 60. 01-R-0376 |
| 5. 01-O-0098  | 43. 01-R-0401 | 61. 01-R-0377 |
| 6. 01-O-0178  | 44. 01-R-0402 | 62. 01-R-0378 |
| 7. 01-O-0302  | 45. 01-R-0403 | 63. 01-R-0379 |
| 8. 01-O-0367  | 46. 01-R-0404 | 64. 01-R-0380 |
| 9. 00-O-1987  | 47. 01-R-0405 | 65. 01-R-0381 |
| 10. 01-O-0448 | 48. 01-R-0406 | 66. 01-R-0382 |
| 11. 00-O-2069 | 49. 01-R-0407 | 67. 01-R-0383 |
| 12. 01-O-0446 | 50. 01-R-0408 | 68. 01-R-0384 |
| 13. 01-O-0187 | 51. 01-R-0409 | 69. 01-R-0385 |
| 14. 01-O-0294 | 52. 01-R-0410 | 70. 01-R-0386 |
| 15. 01-R-0411 | 53. 01-R-0433 | 71. 01-R-0387 |
| 16. 01-R-0412 | 54. 01-R-0434 | 72. 01-R-0388 |
| 17. 01-R-0413 | 55. 01-R-0435 | 73. 01-R-0389 |
| 18. 01-R-0414 | 56. 01-R-0436 | 74. 01-R-0390 |
| 19. 01-R-0420 |               | 75. 01-R-0391 |
| 20. 01-R-0421 |               | 76. 01-R-0392 |
| 21. 01-R-0475 |               | 77. 01-R-0393 |
| 22. 01-R-0428 |               | 78. 01-R-0394 |
| 23. 01-R-0429 |               | 79. 01-R-0395 |
| 24. 01-R-0477 |               | 80. 01-R-0396 |
| 25. 01-R-0220 |               | 81. 01-R-0440 |
| 26. 01-R-0430 |               | 82. 01-R-0439 |
| 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 |               |               |
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