

Entered -8-10-99 - sb  
CL 99L0506 - GWENDOLYN BURNS

CLAIM OF:

**JOHN I. WARREN**  
110 Terrace Drive, NE  
Atlanta, Georgia 30305

01-R-0393

For damages alleged to have been sustained due to a flood which occurred as a result of a creek overflow on July 6, 1999 at 110 Terrace Drive, NE.

THIS ADVERSED REPORT IS APPROVED

ADVERSED  
CITY COUNCIL  
MAR 19 2001

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

ADVERSE REPORT  
COM. Public Safety  
DATE 3/13/01  
CHM. C. T. Morris  
Woolard  
Thompson

CERTIFIED  
MAR 19 2001  
ATLANTA CITY COUNCIL PRESIDENT  
Randall Pitts

CERTIFIED  
MAR 19 2001  
Randall Pitts  
MUNICIPAL CLERK

3/19/01 - Councilmembers Morris & Woolard 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

March 30, 2001

John I. Warren  
110 Terrace Dr., NE  
Atlanta, GA 30305

01-R-0393

Dear Mr. Warren:

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. 99L0506

Date: February 2, 2001

Claimant /Victim JOHN I. WARREN
BY: (Atty) (Ins. Co.)
Address: 110 Terrace Drive, NE, Atlanta, Georgia 30305
Subrogation: Claim for Property damage \$ 2,500.00 Bodily Injury \$
Date of Notice: 8/2/99 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 Place: 110 Terrace Drive, NE,
Department PUBLIC WORKS Division SEWER OPERATIONS
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant sustained property damage when his residence was flooded as a result of the creek overflowing behind his home on the above-listed date. An investigation determined that tree logs were lodged inside of a storm drain catch basin which inhibited the system from properly disposing the storm water. Further research determined that the City did not have any complaints of debris or fallen trees in the creek until after the date of claimant's incident. Additionally, the City experienced an unusually large amount of rainfall during a severe rain storm, an "act of God", on the day of the incident 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 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,

Handwritten signature of Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

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

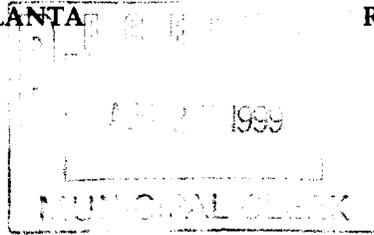
BURNS  
08/12/99  
Dr

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: 7/26/99

ENTERED - 8-10-99 - SB  
99L0506 - GWEN BURNS



Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 2,500.00 property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: July 6, 1999 2. Time of Incident: 5:00 pm 3. Police called: Yes  No

4. Location of incident (including street address): 110 Terrace Dr., Atlanta, GA 30305

5. Name of your insurance company: Cotton States - No claim Policy No. GH00579788

6. State what and how incident occurred: Drainage creek in rear yard overflowed due to poor maintenance up stream. Blockage broke & sent an eight foot wall of water surging through yard - damaging yard/equipment/personal belongings - City is negligent maintenance. Seen on channel 2 News 6:pm in keeping creek free flowing

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]  
Signature of Claimant

John I. Warren  
(Print Claimant's Name)

110 Terrace Dr.  
(Address)

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

4.233.6599 4.262.0980  
(Work Number) (Home Number)

01-R-0393

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  
ADVERSE  
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
-