



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

Martha J. Beesley
2512 Birchwood Drive
Atlanta, Ga 30305

01-R-0396

Dear Ms. Beesley:

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. 99L0471

Date: February 2, 2001

Claimant /Victim MARTHA J. BEESLEY
BY: (Atty) (Ins. Co.)
Address: 2512 Birchwood Drive, Atlanta, Georgia 30305
Subrogation: Claim for Property damage \$ 2,700.00 Bodily Injury \$
Date of Notice: 7/29/99 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: 2512 Birchwood Drive, NE
Department PUBLIC WORKS Division SEWER OPERATIONS
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant sustained property damage when the basement of her home was flooded as a result of the creek overflowing behind her 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 claimant's incident. Furthermore, 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 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,

[Signature]
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

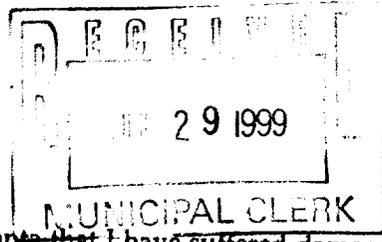
Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: [Signature] Concur/date 03-01-01
Committee Action: Council Action

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: 7-26-99

BURNS
08/04/99
Or



ENTERED - 07-29-99 05:32 RCVD
8-9-99 - SB
99L0471 - GWEN BURNS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 2,700.00 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 7 / 6 / 99 2. Time of Incident: 5 pm 3. Police called: X
(month/day/year) Yes No

4. Location of incident (including street address): 2512 Birchwood Drive Atlanta GA 30305

5. Name of your insurance company: State Farm Policy No. 11E821285

6. State what and how incident occurred: Due to a blocked culvert, the creek behind my house flooded, causing the lower level of my house to flood. Carpet, pad and sheetrock walls were destroyed. (See Attached)

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.

Martha J. Beesley
Signature of Claimant

Martha J. Beesley
(Print Claimant's Name)

2512 Birchwood Dr.
(Address)

Atlanta GA 30305
(City, State and Zip Code)

404-881-2012 404-233-0003
(Work Number) (Home Number)

Martha Beesley
2512 Birchwood Drive, NE
Atlanta, Georgia 30305
404-233-0003

July 26, 1999

Mayor Bill Campbell
City of Atlanta
55 Trinity Avenue, SW
Atlanta, Georgia 30335

Dear Mayor Campbell:

RE: Creek Flooding @ Springdale and Birchwood in Garden Hills

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 Tuesday, July 6, 1999 during heavy rains, the creek swelled beyond its banks, across my entire back yard, three feet up the back of my house and into my finished basement. My yard resembled the Chattahoochee River, with giant logs and debris rushing downstream. Needless to say, I lost thousands of dollars in personal property and landscaping that was not covered by insurance.

Five (5) days later, on the afternoon of July 11, 1999, I experienced another afternoon thunderstorm. Once again the creek crested its banks and again flooded the lower level of my home. In addition, the water line between the meter and my house broke necessitating the purchase of a new water line. I am currently investigating if the breakage was due to the high water level and shifting of the ground.

Understand, my property is not in a flood zone! This flooding 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 that there is now more surface water coming into this tiny creek than ever before. We have examined the creek and the culverts during heavy rains. The creek is blocked with debris and trees, but most importantly the culvert at Sharondale and Lindbergh are not large enough to transpose the increased water volume from one side of the street to the other. In addition, the retaining wall behind my property has caved in and must be repaired to avert further erosion of the creek bank.

This problem requires immediate attention. Every time we endure heavy showers we will 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,


Martha Beesley

01-R-0396

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
ADVERSESED
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
-