Entered - 01/22/01 - sb
CL01L0094 - DIANNE C. MITCHELL

CLAIM OF: **JOHN C. HAMILTON**
2845 Arden Road
Atlanta, Georgia 30327

01-ℓ -0690

CONSENT AGENDA

For damages alleged to have been sustained as a result of damage to a sprinkler system on May 30, 2000 at 2845 Arden Road.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ATLANTA CITY COUNCIL MAY 2 1 2001

CERTIFIED
MAY 2 1 2001
COUNCIL PRESIDENT PROTEM

CERTIFIED
MAY 2 1 2001
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

May 24, 2001

John C. Hamilton
2845 Arden Road
Atlanta, GA 30327

01-R-0690

Dear Mr. Hamilton:

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 May 21, 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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. **01L0094** Date: May 1, 2001

Claimant /Victim **JOHN C. HAMILTON**
BY: (Atty)(Ins. Co.)
Address: 2845 Arden Road, Atlanta, Georgia 30327
Subrogation: _____ Claim for Property damage $ **45.00** Bodily Injury $ _____
Date of Notice: 01/22/01 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 05/30/00 Place: 2845 Arden Road
Department Public Works Division: _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant's sprinkler system was damaged by City employees when a stake was driven through said sprinkler system as they were conducting a property survey on claimant's property. 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 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 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 _____ Concur/date 05-02-01
Committee Action: _____ Council Action _____

FORM 23-61

Mitchell
02/08/01

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

JAN 2 2 2001

RE: CLAIM FOR DAMAGES

Today's Date: 1-16-01

ENTERED - 2-9-01 - SB
01L0094 - DIANNE MITCHELL

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of $ 45.00 property and/or $ ∅ bodily injury for which I contend the City is liable.

1. Date of incident: May 30, 2000 (month/day/ year) 2. Time of Incident: Day 3. Police called: ___ Yes ✓ No

4. Location of incident (including street address): 2845 Arden Road, Atlanta, GA 30327

5. Name of your insurance company: Did not submit to insurance. Policy No. —

6. State what and how incident occurred: Engineering Info. Systems (EIS) drove a stake through the Claimant's sprinkler system pipe while performing a survey of the sewer system. Pictures are attached. Claimant discovered due to the soft and saturated ground surrounding the area and had the damage repaired.

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 acknowledgment 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.

John C. Hamilton
Signature of Claimant

John C. Hamilton
(Print Claimant's Name)

2845 Arden Road
(Address)

Atlanta, GA 30327
(City , State and Zip Code)

770-850-6648 404-350-9432
(Work Number) (Home Number)

01- R -0690

President Pro Tem Bond Presided

RCS# 2865
5/21/01
1:48 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 16

ADOPT

YEAS:	12
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	2
EXCUSED:	0
ABSENT	2

SEE ATTACHED LISTING OF ITEMS ADOPTED/ADVERSED ON CONSENT AGENDA

NV McCarty	Y Dorsey	Y Moore	Y Thomas
B 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-0721
01-O-0752
01-O-0753
01-O-0494
01-O-0712
01-R-0763
01-R-0765

CONSENT

ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 01-O-0582	41. 01-R-0757	61. 01-R-0685
2. 01-O-0583	42. 01-R-0698	62. 01-R-0686
3. 01-O-0584	43. 01-R-0699	63. 01-R-0687
4. 01-O-0585	44. 01-R-0700	64. 01-R-0688
5. 01-O-0586	45. 01-R-0764	65. 01-R-0689
6. 01-O-0587	46. 01-R-0649	66. 01-R-0690
7. 01-O-0742	47. 01-R-0658	67. 01-R-0691
8. 01-O-0748	48. 01-R-0659	68. 01-R-0692
9. 01-O-0715	49. 01-R-0661	69. 01-R-0693
10. 01-O-0723	50. 01-R-0662	70. 01-R-0694
11. 01-O-0751	51. 01-R-0673	71. 01-R-0695
12. 01-O-0754	52. 01-R-0677	72. 01-R-0697
13. 01-O-0755	53. 01-R-0678	73. 01-R-0761
14. 01-O-0756	54. 01-R-0679	74. 01-R-0762
15. 01-O-0106	55. 01-R-0680	
16. 01-O-0495	56. 01-R-0681	
17. 01-O-0496	57. 01-R-0682	
18. 01-O-0497	58. 01-R-0683	
19. 01-O-0498	59. 01-R-0760	
20. 01-O-0567	60. 01-R-0684	
21. 01-O-0568		
22. 01-O-0569		
23. 01-O-0616		
24. 01-O-0638		
25. 01-O-0643		
26. 01-O-0665		
27. 01-O-0716		
28. 01-O-0759		
29. 01-R-0667		
30. 01-R-0669		
31. 01-R-0670		
32. 01-R-0656		
33. 01-R-0675		
34. 01-R-0676		
35. 01-R-0725		
36. 01-R-0744		
37. 01-R-0750		
38. 01-R-0758		
39. 01-R-0456		
40. 01-R-0654		