

Entered - 04/10/00 - sb
CL 00L0218 - GWENDOLYN BURNS

CLAIM OF: LEISA YEISER
1272 Murphy Avenue
Atlanta, Georgia 30039

01-~~e~~-0692

For property damages alleged to have been sustained from a sewer excavation project on or about February 3, 2000 at 1272-1278 Murphy Avenue.

CONSENT AGENDA

THIS ADVERSED REPORT IS
APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY *Rubens Newell DCA*

CERTIFIED
MAY 2 1 2001
Michael Protem
COUNCIL PRESIDENT PROTEM

ADVERSELY MAY 2 1 2001

CERTIFIED
MAY 3 1 2001
Ronda Daughin Johnson
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

Leisa Yeiser
1272 Murphy Ave.
Atlanta, GA 30039

01-R-0692

Dear Ms. Yeiser:

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, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0218

Date: May 2, 2001

Claimant /Victim LEISA YEISER
BY: (Atty) (Ins. Co.)
Address: 1272 Murphy Avenue, Atlanta, Georgia 30039
Subrogation: Claim for Property damage \$ 44,268.75 Bodily Injury \$
Date of Notice: 12/7/00 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 2/3/00 Place: 1272 Murphy Avenue
Department PUBLIC WORKS Division SEWER OPERATIONS
Employee involved Aaron Beckhom Disciplinary Action: Verbal Admonishment

NATURE OF CLAIM: The claimant alleges that her business sustained substantial property damage during a sewer excavation project. However, the issues of this claim are being resolved through a previously filed claim. (See claim 00L0178 for resolution)

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report X Other X
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 X 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
Committee Action: Council Action



Reeves
04/04/00
[Signature]

03-21-00P04:58 RCV0

ENTERED - 4-10-00 - SB
00L0218 - MIKE REEVES

March 16, 2000

Council of the City of Atlanta
Municipal Clerk
City Hall
55 Trinity Avenue SW
Atlanta, GA 30335

Dear Municipal Court:

Please visit the following website for more information
on landscape appraisers. <http://www.asca-consultants.org/>

We hired a professional arborist to determine the extent of
damage inflicted on our property.

This is regarding the extensive damage to our property
at 1272 and 1278 Murphy Avenue as a result of negligence
on the part of Sewer Operations in the City of Atlanta.

We have sent several letters regarding this matter, yet have gotten no response.
It would be greatly appreciated if you would indeed respond to our letters
regarding the gross negligence of the City of Atlanta.

Thank you,

Lisa Yeiser
The B Complex
1272 Murphy Avenue
Atlanta, GA 30310

01-~~R~~-0692

1272 Murphy Avenue
Atlanta Georgia 30310
404.753.1853

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
2. 01-O-0583
3. 01-O-0584
4. 01-O-0585
5. 01-O-0586
6. 01-O-0587
7. 01-O-0742
8. 01-O-0748
9. 01-O-0715
10. 01-O-0723
11. 01-O-0751
12. 01-O-0754
13. 01-O-0755
14. 01-O-0756
15. 01-O-0106
16. 01-O-0495
17. 01-O-0496
18. 01-O-0497
19. 01-O-0498
20. 01-O-0567
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

41. 01-R-0757
42. 01-R-0698
43. 01-R-0699
44. 01-R-0700
45. 01-R-0764
46. 01-R-0649
47. 01-R-0658
48. 01-R-0659
49. 01-R-0661
50. 01-R-0662
51. 01-R-0673
52. 01-R-0677
53. 01-R-0678
54. 01-R-0679
55. 01-R-0680
56. 01-R-0681
57. 01-R-0682
58. 01-R-0683
59. 01-R-0760
60. 01-R-0684

61. 01-R-0685
 62. 01-R-0686
 63. 01-R-0687
 64. 01-R-0688
 65. 01-R-0689
 66. 01-R-0690
 67. 01-R-0691
 68. 01-R-0692
 69. 01-R-0693
 70. 01-R-0694
 71. 01-R-0695
 72. 01-R-0697
 73. 01-R-0761
 74. 01-R-0762
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