

Entered - 04/02/01 - sb  
CL01L0202 - DIANNE C. MITCHELL

CLAIM OF: **MARY D. DOOLEY**  
749 Bolton Road  
Atlanta, Georgia 30331

01- R -0800

For damages alleged to have been sustained as a result of a sewer  
back up on February 8, 2001 at 749 Bolton Road.

THIS ADVERSED REPORT IS APPROVED

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

ADVERSED  
CITY COUNCIL JUN 04 2001

**ADVERSED REPORT**  
COM. *Public Safety*  
DATE *5/29/01*  
CHM. *C. Mitchell*  
*Michael B...*  
*...*  
*Clara...*

**CERTIFIED**  
JUN 04 2001  
ATLANTA CITY COUNCIL PRESIDENT  
*Randolph Pitts*

**CERTIFIED**  
JUN 04 2001  
*Flora Daphin Johnson*  
MUNICIPAL CLERK



CITY OF ATLANTA  
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

June 19, 2001

Mary D. Dooley  
749 Bolton Road  
Atlanta, Georgia 30331

01-R-0800

Dear Ms. Dooley:

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 June 4, 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. 01L0202

Date: May 14, 2001

Claimant /Victim MARY D. DOOLEY

BY: (Atty)(Ins. Co.)

Address: 749 Bolton Road, Atlanta, Georgia 30331

Subrogation: Claim for Property damage \$ 500.00 Bodily Injury \$

Date of Notice: 03/07/01 Method: Written, proper X Improper

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

Date of Occurrence 02/08/01 Place: 749 Bolton Road

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 on February 8, 2001, however, the City has no record of any complaint made at that time. The investigation did determine that on February 15, 2001, the claimant did make a complaint regarding a sewer back up at her home. The Sewer Operations crew responded to the location and cleared a blockage. The City had no knowledge of any problem with the sewer line prior to the claimant's call on February 15, 2001. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

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 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 - DIANNE C. MITCHELL

RECOMMENDATION:

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

Claims Manager: [Signature] Concur/date 05-16-01

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

Mitchell  
03/27/01

Today's Date: 3/27/01 *DM*

MAR 7 2001

ENTERED - 4-2-01 - SB  
01L0202 - DIANNE MITCHELL

Dear Municipal Clerk:

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

1. Date of incident: 2/8/01 2. Time of Incident: 9pm 3. Police called: \_\_\_\_\_  
(month/day/year) Yes  No

4. Location of incident (including street address): 749 Bolton Rd.

5. Name of your insurance company: \_\_\_\_\_ Policy No. \_\_\_\_\_

6. State what and how incident occurred: Sewage over flowed

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.

Mary D. Dooley  
Signature of Claimant

Mary D. Dooley  
(Print Claimant's Name)

749 Bolton Rd.  
(Address)

Atlanta, Ga. 30331  
(City, State and Zip Code)

01-R-0800

404-~~691~~691-5914  
(Work Number) (Home Number)

RCS# 2912  
6/04/01  
2:56 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 12

ADOPT

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 3

Unanimous

Y McCarty	B Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	B Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	B Boazman	NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
01-O-0653  
01-O-0663  
01-O-0664  
01-O-0835  
01-R-0181  
01-R-0851

CONSENT

---

**06/04/01 Council Meeting**

---

**ITEMS ADOPTED ON  
CONSENT AGENDA**

1. 01-O-0821
2. 01-O-0834
3. 01-O-0833
4. 01-O-0492
5. 01-O-0671
6. 01-O-0717
7. 01-O-0825
8. 01-O-0826
9. 01-O-0837
10. 01-R-0832
11. 01-R-0308
12. 01-R-0836
13. 01-R-0784
14. 01-R-0785
15. 01-R-0822
16. 01-R-0352
17. 01-R-0792
18. 01-R-0846
19. 01-R-0794
20. 01-R-0795

**ITEMS ADVERSED  
ON CONSENT AGENDA**

21. 01-R-0796
  22. 01-R-0797
  23. 01-R-0798
  24. 01-R-0799
  25. 01-R-0800
  26. 01-R-0801
  27. 01-R-0802
  28. 01-R-0803
  29. 01-R-0804
  30. 01-R-0805
  31. 01-R-0806
  32. 01-R-0807
  33. 01-R-0808
  34. 01-R-0891
  35. 01-R-0810
  36. 01-R-0811
  37. 01-R-0812
  38. 01-R-0813
  39. 01-R-0814
  40. 01-R-0815
  41. 01-R-0816
  42. 01-R-0817
-