

Entered -04/23/01 - sb
CL 01L0253 - GWENDOLYN BURNS

CLAIM OF: NEAL S. CASON
215 Chastain Commons
Atlanta, Georgia 30542

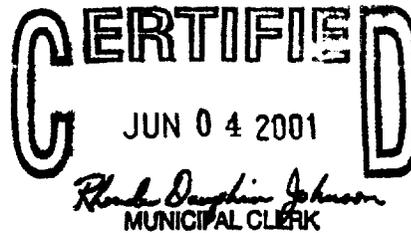
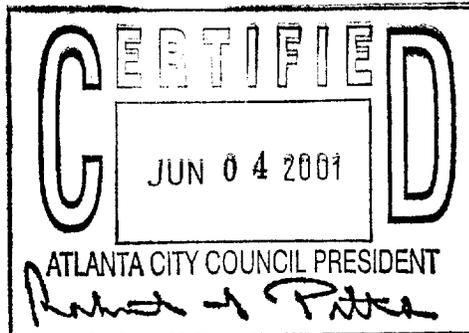
01- R-0810

For property damages alleged to have been sustained as a result of a
sewer backup on October 12, 2000 at 215 Chastain Commons.

THIS ADVERSED REPORT IS
APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSELY JUN 04 2001



ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5/29/01 BY SP-1/MSA
COM. Public Safety
Michael B...
Clara Henderson



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

Neal S. Cason
215 Chastain Commons
Atlanta, Georgia 30542

01-R-0810

Dear Mr. Cason:

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. 01L0253

Date: May 16, 2001

Claimant /Victim NEAL CASON
BY: (Atty) (Ins. Co.)
Address: 215 Chastain Commons, Atlanta, Georgia 30342
Subrogation: Claim for Property damage \$ 1,500.00 Bodily Injury \$
Date of Notice: 4/12/01 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 10/12/00 Place: 215 Chastain Commons
Department PUBLIC WORKS Division Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that he sustained property damages from a sewer back up. However, the claim as presented does not comply with the same requirements of notice as set forth in O.C.G.A. Section 36-33-5(b). The six month statute of limitation expired prior to receipt of the claim. Notwithstanding this fact, a previous investigation concluded his backup was caused by a grease blockage which resulted from grease entering the system from the restaurants up stream on Powers Ferry Road, NE, which is a violation of the City's grease ordinance (Atlanta City Code § 154-297). (See former claims 97L0659 and 00L0091)

INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X
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 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 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

BURNS
04/19/01

Today's Date: 4-5-01

Dear Municipal Clerk:

ENTERED - 4-23-01 - SB
01L0253 - GWEN BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 217,500.00 property and/or \$ 100,000.00 bodily injury for which I contend the City is liable.

1. Date of incident: October 12, 2000 2. Time of Incident: _____ 3. Police called: _____
(month/day/year) Yes No

4. Location of incident (including street address): 215 CHASTAIN COMMONS

5. Name of your insurance company: ST. PAUL Policy No. PK 06807800

6. State what and how incident occurred: CITY SEWER LINE BACKED UP AGAIN FOR THE 3RD TIME IN 3 YRS (SEE CLAIMS DATED 10/22/97; 2/10/2000). RAW SEWAGE FROM CITY LINE WAS RELEASED FOR SEVERAL HOURS THAT COVERED MY BACK YARD! CAME INTO OUR BASEMENT. BASEMENT HAD TO BE COMPLETELY REDONE (CARPET, PAINT ETC). THIS PROBLEM WILL CONTINUE TO OCCUR UNLESS CITY INSTALLS BACKFLOW VALVE OFF MY PROPERTY.

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.

Neal Cason
Signature of Claimant

NEAL S. CASON
(Print Claimant's Name)

215 Chastain Commons
(Address)

Atlanta, GA 30542
(City, State and Zip Code)

404-252-0085 404-255-4345
(Work Number) (Home Number)

01-R-0810

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

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 12

ADOPT

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

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

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
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