

Entered - 4-17-01 - sb  
CL 01L0237 - ALEXIS HOLMES

01-R-1164

CLAIM OF: **KAY AND SARI MASRI**  
819 Ponce de Leon Terrace  
Atlanta, Georgia 30306

For damages alleged to have been sustained as a result of the City issuing a premature certificate of occupancy to their builder on November 8, 1998 at 819 Ponce de Leon Terrace.

THIS ADVERSED REPORT IS APPROVED

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

CONSENT AGENDA

ADVERSE REPORT  
CITY COUNCIL AUG 06 2001

**ADVERSE REPORT**

COMM: *DS, LA*

DATE: *7/31*

CHAIR: *C. T. Masri*

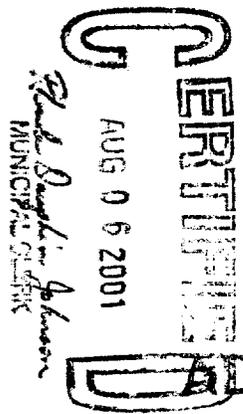
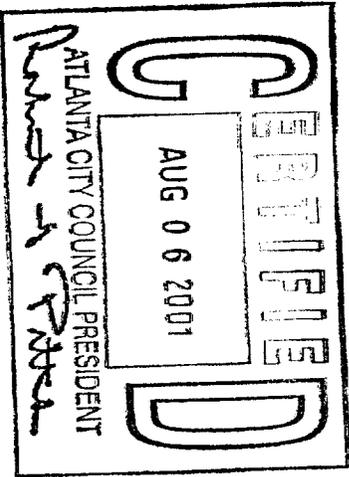
*Michael...*

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**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**

August 8, 2001

Kay & Sari Masri  
819 Ponce De Leon Terrace  
Atlanta, Georgia 30306

**01-R-1164**

Dear Kay & Sari Masri:

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 August 6, 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.

Yours very truly,  
*Rhonda Dauphin Johnson*

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0237

Date: 7/12/01

Claimant /Victim KAY AND SARI MASRI
BY: (Atty)
Address: 819 Ponce de Leon Terrace Atlanta Georgia 30306
Subrogation: Claim for Property damage \$ 17,476.00 Bodily Injury \$
Date of Notice: 4/16/01 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)
Date of Occurrence 2/99 Place: 819 Ponce de Leon Terrace
Department: Planning and Development and Neighborhood Conservation Division: Bureau of Buildings
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimants allege that they sustained damages when the City prematurely issued a Certificate of Occupancy to their builder; that the City allowed the builder to change their blue prints and specifications; and that the City's housing codes were too low which allowed the builder to perform substandard work. However, the claimants failed to meet the notice requirement, when they failed to file their claim in a timely manner as set forth in O.C.G.A. §36-33-5. Furthermore, the City is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee Claimant Other Written 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 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,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 07/19/01 Committee Action: Council Action

RCS# 3033  
8/06/01  
2:56 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-15

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

ADOPT

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 0

Unanimous

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

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
01-O-1106  
01-R-1200  
01-R-1217

CONSENT

**ITEMS  
ADOPTED ON  
CONSENT  
AGENDA**

**ITEMS  
ADOPTED ON  
CONSENT  
AGENDA**

**ITEMS  
ADVERSED  
ON CONSENT  
AGENDA**

**ITEMS  
ADVERSED  
ON CONSENT  
AGENDA**

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2. 01-O-1083
3. 01-O-1084
4. 01-O-1085
5. 01-O-1123
6. 01-O-1126
7. 01-O-1105
8. 01-O-1120
9. 01-R-1130
10. 01-R-1131
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12. 01-R-1187
13. 01-R-1188
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  79. 01-R-1212
  80. 01-R-1213
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