

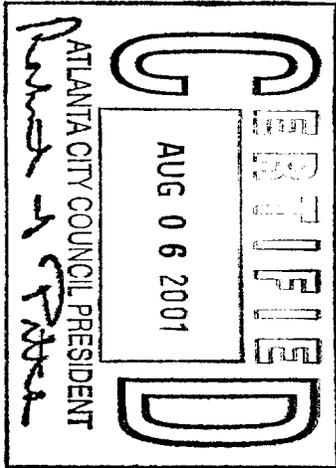
Entered - 12/01/00 - sb
CL00L0714 - DIANNE C. MITCHELL

01-*R*-1206

CLAIM OF: **PHILLIP LEE LEWIS**
1528 Centra Villa Drive
Atlanta, Georgia 30311

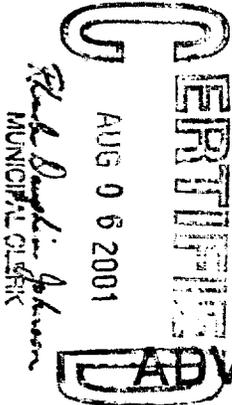
For damages alleged to have been sustained as a result of a sewer
back up on November 2, 2000 at 1528 Centra Villa Drive.

THIS ADVERSED REPORT IS APPROVED



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

CONSENT AGENDA



ADVERSED BY
CITY COUNCIL AUG 06 2001

ADVERSE REPORT

COMM PS+LA
DATE 7/31/01
CHAIR C. T. Mann
Michael B...
Dan ...
Henry Dorsey
W...
Clara ...



**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

Phillip Lee Lewis
1528 Centra Villa Drive
Atlanta, Georgia 30311

01-R-1206

Dear Mr. Lewis:

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. 00L0714

Date: July 17, 2001

Claimant /Victim PHILLIP LEE LEWIS

BY: (Atty)(Ins. Co.) _____

Address: 1528 Centra Villa Drive, Atlanta, Georgia 30311

Subrogation: _____ Claim for Property damage \$ 972.00 Bodily Injury \$ _____

Date of Notice: 11/14/00 Method: Written, proper X Improper _____

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

Date of Occurrence 11/02/00 Place: 1528 Centra Villa Drive

Department Public Works Division: Sewer Operations

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that his property was damaged due to a sewer back up. The investigation determined that the back up was due to a blockage in the claimant's house connection and not in the City's mainline. 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 _____

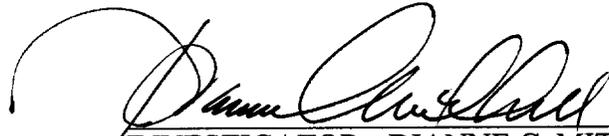
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

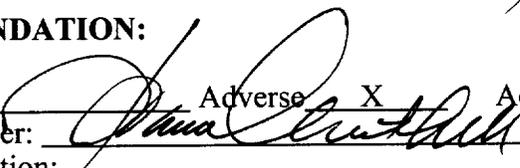
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

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

Claims Manager:  Concur/date 07-17-01

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 Starnes
Y Bond
Y Winslow

Y Dorsey
Y Woolard
Y Morris
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

Y Thomas
Y Emmons
Y Alexander
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
1. 01-O-1081	29. 01-R-1141	48. 01-R-1041	76. 01-R-1209
2. 01-O-1083	30. 01-R-1142	49. 01-R-1042	77. 01-R-1210
3. 01-O-1084	31. 01-R-1143	50. 01-R-1043	78. 01-R-1211
4. 01-O-1085	32. 01-R-1144	51. 01-R-1149	79. 01-R-1212
5. 01-O-1123	33. 01-R-1145	52. 01-R-1151	80. 01-R-1213
6. 01-O-1126	34. 01-R-1146	53. 01-R-1152	
7. 01-O-1105	35. 01-R-1147	54. 01-R-1153	
8. 01-O-1120	36. 01-R-1148	55. 01-R-1154	
9. 01-R-1130	37. 01-R-1189	56. 01-R-1155	
10. 01-R-1131	38. 01-R-1190	57. 01-R-1156	
11. 01-R-1132	39. 01-R-1191	58. 01-R-1157	
12. 01-R-1187	40. 01-R-1192	59. 01-R-1158	
13. 01-R-1188	41. 01-R-1193	60. 01-R-1159	
14. 01-R-1224	42. 01-R-1194	61. 01-R-1160	
15. 01-R-1227	43. 01-R-1195	62. 01-R-1161	
16. 01-R-1228	44. 01-R-1196	63. 01-R-1162	
17. 01-R-0103	45. 01-R-1197	64. 01-R-1163	
18. 01-R-1226	46. 01-R-1198	65. 01-R-1164	
19. 01-R-0971	47. 01-R-1199	66. 01-R-1165	
20. 01-R-1167		67. 01-R-1166	
21. 01-R-1168		68. 01-R-1201	
22. 01-R-1215		69. 01-R-1202	
23. 01-R-1218		70. 01-R-1203	
24. 01-R-1136		71. 01-R-1204	
25. 01-R-1137		72. 01-R-1205	
26. 01-R-1138		73. 01-R-1206	
27. 01-R-1139		74. 01-R-1207	
28. 01-R-1140		75. 01-R-1208	
