

Entered -01-09-01 - sb
CL 01L0013 - GWENDOLYN BURNS

CLAIM OF:

TRISTAN COOLEY
3695 Cascade Road, Suite F-202
Atlanta, Georgia 30331

01- 12-1414

For property damages alleged to have been sustained from a sewer
back up on November 28, 2000 at 1176 and 1178 Garibaldi Street.

THIS ADVERSED REPORT IS
APPROVED

BY: Robert N. Godfrey
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

ADVERSED
CITY OF ATLANTA
SEP 17 2001

CERTIFIED
SEP 17 2001
ATLANTA CITY COUNCIL PRESIDENT
Robert N. Godfrey

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: Public Safety

CHAIR: 9/17/01 C. T. Martin

Sherry Dossery
[Signature]
[Signature]
[Signature]
[Signature]

CERTIFIED
SEP 17 2001

[Signature]
DEPUTY 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**

September 19, 2001

Tristan Cooley
3695 Cascade Road, Suite F-202
Atlanta, Georgia 30331

01-R-1414

Dear Ms. Cooley:

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 September 17, 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, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0013

Date: August 26, 2001

Claimant /Victim TRISTAN COOLEY
BY: (Atty) (Ins. Co.)
Address: 3695 Cascade Road, Suite F-202, Atlanta, Georgia 30331
Subrogation: Claim for Property damage \$ 900.00 Bodily Injury \$
Date of Notice: 12/13/00 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/28/00 Place: 1176 and 1178 Garibaldi Street
Department PUBLIC WORKS Division Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that his rental property sustained damages from a sewer back up. However, an investigation determined that the City did not have notice of any problems at this location prior to the November 28, 2000 occurrence. 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 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,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 08-30-01
Committee Action Council Action

RCS# 3123
9/17/01
6:39 PM

Atlanta City Council

Regular Session

MULTIPLE
01-R-1414

Unfavorable Claims; Items 20-59

ADOPT

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

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

MULTIPLE