

Entered - 2-10-99 - sb
CL 99L0067- GWENDOLYN BURNS

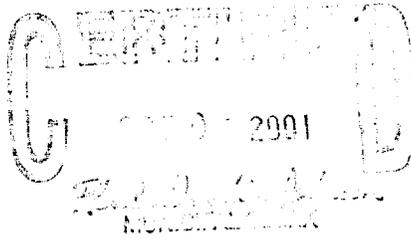
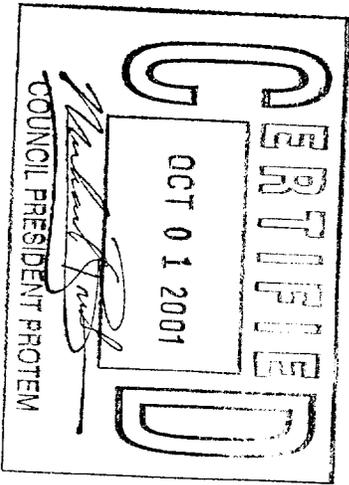
CLAIM OF: WELLNESS WORKS
480 Pharr Road
P.O. 550404
Atlanta, Georgia 30355

01-R -1551

For property damages alleged to have been sustained as a result of a sewer back up at 480 Pharr Road, NE on January 5, 1999.

THIS ADVERSED REPORT IS
APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY *Robert M. [unclear]* DCA



ADVERSED OCT 01 2001

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: SEP 25 2001

✓ CHAIR: *Clara [unclear]*

[Signature]
[Signature]



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

October 10, 2001

Henry Jacobs & Mark Marlin
480 Pharr Road
Atlanta, GA 30305

01-R-1530

RE: Wellness Works

Dear Mr. Jacobs & Mr. Marlin:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her 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 client's claim at its regular meeting on October 01, 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. 99L0067

Date: September 12, 2001

Claimant /Victim WELLNESS WORKS
BY: (Atty) (Ins. Co.)
Address: P. O. Box 550404, Atlanta, Georgia 30355
Subrogation: Claim for Property damage \$ 21,288.00 Bodily Injury \$
Date of Notice: 2/4/99 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 1/5/99 Place: 480 Pharr Road, NE
Department PUBLIC WORKS Division Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that it sustained property 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 January 5, 1999 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,

[Signature]
INVESTIGATOR GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse Account charged: 1A01 2J01 2H01
Claims Manager: [Signature] Concur/date 09-14-01
Committee Action: Council Action

RCS# 3142
10/01/01
1:54 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 14

ADOPT

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 2

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

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-1018

CONSENT

10/01/01 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 01-O-1570
2. 01-O-1571
3. 01-O-1354
4. 01-O-1488
5. 01-O-1335
6. 01-O-1336
7. 01-O-1337
8. 01-O-1342
9. 01-O-1343
10. 01-O-1344
11. 01-O-1345
12. 01-O-1346
13. 01-O-1119
14. 01-O-1351
15. 01-O-1572
16. 01-R-1588
17. 01-R-1273
18. 01-R-1276
19. 01-R-1428
20. 01-R-1456
21. 01-R-1471
22. 01-R-1499
23. 01-R-1580
24. 01-R-1581
25. 01-R-0921
26. 01-R-1561
27. 01-R-1584
28. 01-R-1521
29. 01-R-1522
30. 01-R-1523
31. 01-R-1524
32. 01-R-1525
33. 01-R-1526
34. 01-R-1527
35. 01-R-1528
36. 01-R-1545
37. 01-R-1546
38. 01-R-1547

**ITEMS ADVERSED
ON CONSENT AGENDA**

39. 01-R-1529
 40. 01-R-1530
 41. 01-R-1531
 42. 01-R-1532
 43. 01-R-1533
 44. 01-R-1534
 45. 01-R-1535
 46. 01-R-1536
 47. 01-R-1537
 48. 01-R-1538
 49. 01-R-1539
 50. 01-R-1540
 51. 01-R-1541
 52. 01-R-1542
 53. 01-R-1543
 54. 01-R-1544
 55. 01-R-1548
 56. 01-R-1549
 57. 01-R-1550
 58. 01-R-1551
 59. 01-R-1552
 60. 01-R-1553
 61. 01-R-1554
 62. 01-R-1555
 63. 01-R-1556
 64. 01-R-1557
 65. 01-R-1558
 66. 01-R-1559
 67. 01-R-1560
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