

Entered - 03-05-99 - sb  
CL 99L0137- GWENDOLYN BURNS

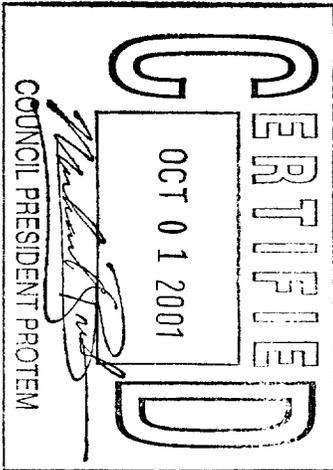
CLAIM OF: LENBROOK SQUARE  
3747 Peachtree Road, NE  
Atlanta, Georgia 30319

01- R -1553

For property damages alleged to have been sustained as a result of a  
sewer back up at 3580 Piedmont Road, NE on February 16, 1999.

THIS ADVERSED REPORT IS  
APPROVED

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY *Robert N. O'Jy DCA*



CITY COUNCIL OCT 01 2001

## ADVERSE REPORT

PUBLIC SAFTEY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: **SEP 25 2001**

V-CHAIR: *Clara Kinslow*  
*[Signature]*  
*[Signature]*  
*Sherry Dorsey*



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

October 3, 2001

Lenbrook Square  
3747 Peachtree Road, NE  
Atlanta, Georgia 30319

01-R-1553

Dear Mr. Square:

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 October 1, 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. 99L0137

Date: September 12, 2001

Claimant /Victim LENBROOK SQUARE
BY: (Atty) (Ins. Co.)
Address: 3747 Peachtree Road, NE, Atlanta, Georgia 30319
Subrogation: Claim for Property damage \$ Unspecified Bodily Injury \$
Date of Notice: 2/25/99 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)
Date of Occurrence 2/16/99 Place: 3580 Piedmont 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. An investigation determined that the City responded to the back up in a timely manner and found grease deposits in claimant's service lateral line. The service lateral line was cleared and the mainline was degreased. Furthermore, the mainline was inspected and there was nothing found in the line that could have caused or encouraged a grease blockage. Lastly, the investigation showed that the grease blockage resulted from grease entering the system from the cafeteria located on claimant's property which is a violation of the City's grease ordinance (Atlanta City Code § 154-297). The operation of the City sewer system is a government function and the City is immune from liability as set forth in O.C.G.A. § 36-33-1.

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 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

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**10/01/01 Council Meeting**

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**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
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  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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