

Entered - 06/11/01 - sb
CL01L0351 - DIANNE C. MITCHELL

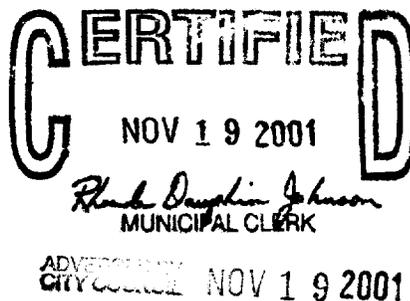
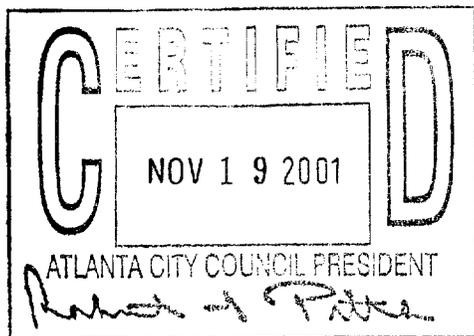
01- R-1838

CLAIM OF: **PAT HARGRETT**
4620 Club Valley Drive, NE
Atlanta, Georgia 30319

For damages alleged to have been sustained as a result of a sewer
back ups on March 11 and 31, 2001 at 4620 Club Valley Drive, NE.

THIS ADVERSED REPORT IS APPROVED

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



ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: _____

CHAIR: _____

NOV 19 2001

C. T. Mack

C. T. Mack

[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

November 30, 2001

Pat Hargrett
4620 Club Valley Dr., NE
Atlanta, GA 30319

01-R-1838

Dear Ms. Hargrett:

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 November 19, 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.

Sincerely,


Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0351

Date: November 1, 2001

Claimant /Victim PAT HARGRETT

BY: (Atty)(Ins. Co.)

Address: 4620 Club Valley Drive, NE, Atlanta, Georgia 30319

Subrogation: Claim for Property damage \$ 8,276.99 Bodily Injury \$

Date of Notice: 06/06/01 Method: Written, proper X Improper

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

Date of Occurrence 03/11 & 03/31/01 Place: 4620 Club Valley Drive, NE

Department Public Works Division: Sewer Operations

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that her property was damaged due to two sewer back ups. The investigation determined that the claimant did not notify the City of the first occurrence on March 11, 2001 and that the City received no notification of any problem with the mainline until the occurrence on March 31, 2001. The City's Sewer Division responded to the call of the second occurrence, but could not locate any problems with the 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,

[Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

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

Claims Manager: [Signature] Concur/date 11-01-01

Committee Action: Council Action

RCS# 3297
11/19/01
5:16 PM

Atlanta City Council

Regular Session

MULTIPLE

Unfavorable Claims; Public Safety Items
19 through 37
ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 3

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

01-R-1835
01-R-1836
01-R-1837
01-R-1838
01-R-1839
01-R-1840
01-R-1841
01-R-1842
01-R-1843
01-R-1844
01-R-1845
01-R-1846
01-R-1847
01-R-1848
01-R-1849
01-R-1850
01-R-1851
01-R-1853
01-R-1855

MULTIPLE