

Entered - 10/01/01 - sb
CL01L0603 - DIANNE C. MITCHELL

01-R-1843

CLAIM OF: **IRVING AND HARRIET DANIELS,**
through their insurance carrier,
Encompass Insurance
P. O. Box 908
Monmouth Junction, NJ 08852

For damages alleged to have been sustained as a result of a sewer
back up on June 6, 2001 at 1870 Ridge Valley Road.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSED BY
CITY COUNCIL NOV 19 2001

ADVERSE REPORT
PUBLIC SAFTEY &
LEGAL ADMINISTRATION COMMITTEE
DATE: NOV 19 2001
CHAIR: C. T. Smith
Clayton
James
Adrian

CERTIFIED
NOV 19 2001
ATLANTA CITY COUNCIL PRESIDENT
Ronald W. Pitts

CERTIFIED
NOV 19 2001
Rhonda Douglas Johnson
MUNICIPAL CLERK



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

Encompass Insurance
Insurance Carrier
Attn: Charlene Neal
P.O. Box 908
Monmouth Junction, NJ 08852

01-R-1843

RE: Irving and Harriet Daniels

Dear Ms. Neal:

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 November 19, 2000. 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. 01L0603

Date: October 22, 2001

Claimant /Victim IRVING AND HARRIET DANIELS

BY: (Ins. Co.) Encompass Insurance

Address: P. O. Box 908, Monmouth Junction, NJ 08852

Subrogation: X Claim for Property damage \$ 6,892.65 Bodily Injury \$

Date of Notice: 09/19/01 Method: Written, proper X Improper

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

Date of Occurrence 06/06/01 Place: 2870 Ridge Valley Road

Department Public Works Division: Sewer Operations

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimants allege their property was damaged due to a sewer back up. The investigation determined that the City had no notice a any problems with the sewer line prior to the event occurring on June 6, 2001. 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 10-22/01

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
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01-R-1850
01-R-1851
01-R-1853
01-R-1855

MULTIPLE