

Entered -6/1/98 - SB  
CL 98L0381 - GWENDOLYN BURNS

99-R-1309

CLAIM OF: PATRICK C. CARROLL  
885 Monroe Circle, NE  
Atlanta, Georgia 30308

For damages alleged to have been sustained  
as a result of property damage on November  
21, 1997 at 885 Monroe Circle.

THIS ADVERSED REPORT IS

APPROVED: **Standing committees**  
**AGENDA**

*R. Rubens*  
ROSALIND A. RUBENS  
DEPUTY CITY ATTORNEY

FILED BY  
CITY COUNCIL

DEC 03 2001

**CERTIFIED**  
DEC 03 2001

*[Signature]*  
DEPUTY MUNICIPAL CLERK

ADVISED BY

COM. *Public Safety*

DATE *8/10/99*

CHM. *HEAD*

<i>8/31/99</i>
<i>9/14/99</i>
<i>9/28/99</i>
<i>10/26/99</i>
<i>11/9/99</i>
<i>11/29/99</i>
<i>12/14/99</i>
<i>1/11/00</i>

<i>2/11/00</i>	<i>7/11/00</i>	<i>11/14/00</i>	<i>3/27/01</i>
<i>2/15/00</i>	<i>8/1/00</i>	<i>11/28/00</i>	<i>4/12/01</i>
<i>2/29/00</i>	<i>8/16/00</i>	<i>12/12/00</i>	<i>5/15/01</i>
<i>3/14/00</i>	<i>9/12/00</i>	<i>1/16/01</i>	<i>5/29/01</i>
<i>3/28/00</i>	<i>9/26/00</i>	<i>1/30/01</i>	<i>6/20/01</i>
<i>4/11/00</i>	<i>10/10/00</i>	<i>2/13/01</i>	<i>9/4/01</i>
<i>5/9/00</i>	<i>10/31/00</i>	<i>3/13/01</i>	<i>11/14/01</i>
<i>6/13/00</i>			
<i>6/27/00</i>			

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 98L0381

Date: July 23, 1999

Claimant /Victim PATRICK C. CARROLL

BY: (Atty) (Ins. Co.) \_\_\_\_\_

Address: 885 Monroe Circle, NE, Atlanta, Georgia 30308

Subrogation: \_\_\_\_\_ Claim for Property damage \$ unspecified Bodily Injury \$ \_\_\_\_\_

Date of Notice: 5/21/98 Method: Written, proper \_\_\_\_\_ Improper \_\_\_\_\_

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

Date of Occurrence 11/21/97 Place: 885 Monroe Circle, NE

Department PUBLIC WORKS Bureau: Waste Water Services Division \_\_\_\_\_

Employee involved \_\_\_\_\_ Dept. Action Taken \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges that he sustained property damage when storm drains from an adjacent property overflowed causing extensive flooding to claimant's home. However, the claim as presented does not comply with the requirements of notice as set forth in the O.C.G.A. §36-33-5. The six month statute of limitations expired prior to receipt of the claim.

INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other X

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_

Improper Notice X More than Six Months X Other \_\_\_\_\_ 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: [Signature] Concur/date 07-29-99

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

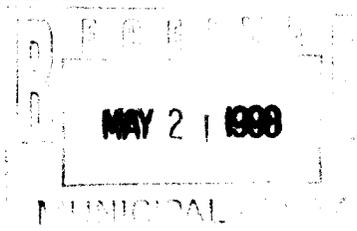
BURNS  
05/22/98  
De

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 5-21-98

ENTERED - 6-1-98 - SB  
98L0381 - GWEN BURNS



Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ Undetermined property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: 11-21-97 2. Time of Incident: 7pm 3. Police called: X (911)  
(month/day/year) Yes No

4. Location of incident (including street address): Monroe Circle NE

5. Name of your insurance company: No Flood Insurance Policy No. \_\_\_\_\_

6. State what and how incident occurred: The City of Atlanta sewer system overflowed and caused extensive flooding of several homes including my home at 885 Monroe Circle NE. The problem continues each heavy rainfall in the area of Monroe Circle NE. The extent of the structural damage and property value is not yet determined.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: \_\_\_\_\_  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: Charles Daniel Wyatt III 881 Monroe Circle NE 404 892-0108  
(Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Patrick C Carroll  
Signature of Claimant

Patrick C Carroll  
(Print Claimant's Name)

885 Monroe Circle NE  
(Address)

Atlanta, GA 30308  
(City, State and Zip Code)

404 888-3650 404 347-8689  
(Work Number) (Home Number)

99-R-1309