Entered - 07-23-01- sb
01L0480 - ALEXIS HOLMES

CLAIM OF: **OUR LADY OF LOURDES CATHOLIC SCHOOL**
C/O Mary Ellen Macke
29 Boulevard
Atlanta, Georgia 30312

02- R -0132

CERTIFIED
FEB 04 2002
ATLANTA CITY COUNCIL PRESIDENT

For damages alleged to have been sustained as a result sewage backing up into claimant's school and yard on June 4, 2001 at 29 Boulevard.

THIS ADVERSE REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CERTIFIED
FEB 04 2002
MUNICIPAL CLERK

ADVERSED BY CITY COUNCIL FEB 04 2002

ADVERSE REPORT
COMM. Public Safety
DATE JAN 29 2002
CHAIR

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

February 11, 2002

Our Lady of Lourdes
Catholic School
% Mary Ellen Macke
29 Boulevard
Atlanta, GA 30312

02-R-0132

Dear Ms. Macke:

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 February 4, 2002. 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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0480 Date: 01/07/02

Claimant /Victim OUR LADY OF LOURDES CATHOLIC SCHOOL C/O MARY ELLEN MACKE
BY: (Atty) _____
Address: 29 Boulevard, Atlanta, Georgia 30312
Subrogation: _____ Claim for Property damage $ 16,647.71 Bodily Injury $ _____
Date of Notice: 7/13/01 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 6/4/01 Place: 29 Boulevard
Department Public Works Division: Sewer Operations
Employee involved _____ Disciplinary Action _____

NATURE OF CLAIM: The claimant alleges that it sustained property damages to its property due to a sewer backup. The investigation determined that the City did not have notice of any sewer problems prior to the call from the claimant. Furthermore, the City is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee X Claimant _____ Other X Written X Oral X
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,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay $ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager: [illegible] Concur/date 01-14-02
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 3449
2/04/02
4:05 PM

Atlanta City Council

Regular Session

CONSENT I

Pages 1 thru 6: Except 02-O-0004;
02-R-0005;02-O-0006;02-R-0193;02-R-0105
ADOPT

YEAS:	14
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	2
EXCUSED:	0
ABSENT	0

SEE ATTACHED LISTING OF ITEMS ADOPTED/ADVERSED ON CONSENT AGENDA

Y Smith	NV Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

ITEM (S) REMOVED FROM
CONSENT AGENDA
02-R-0105
02-R-0193

CORRECTED COPY

ITEMS ADOPTED ON CONSENT AGENDA

1. 02-O-0169
2. 02-R-0088
3. 02-R-0146
4. 02-R-0147
5. 02-R-0179
6. 02-R-0137
7. 02-R-0138
8. 02-R-0139
9. 02-R-0140
10. 02-R-0141
11. 02-R-0142
12. 02-R-0143
13. 02-R-0144
14. 02-R-0145

ITEMS ADVERSED ON CONSENT AGENDA

15. 02-R-0117
16. 02-R-0118
17. 02-R-0119
18. 02-R-0120
19. 02-R-0121
20. 02-R-0122
21. 02-R-0123
22. 02-R-0124
23. 02-R-0125
24. 02-R-0126
25. 02-R-0127
26. 02-R-0128
27. 02-R-0129
28. 02-R-0130
29. 02-R-0131
30. 02-R-0132
31. 02-R-0133
32. 02-R-0134
33. 02-R-0135
34. 02-R-0136