

Entered - 12/06/00 - sb
CL00L0741 - DIANNE C. MITCHELL

CLAIM OF: **NEW NEIGHBORS, LLC,**
through its attorney,
Larry M. Dingle
Suite 700
2849 Paces Ferry Road
Atlanta, Georgia 30339

02- *R*-0764

For damages alleged to have been sustained as a result of property damage during installation of sewer lines beginning in October, 2000 at 1100 Rice Street.

THIS ADVERSED REPORT IS APPROVED

BY: *Robert N. Godfrey*
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

ADVERSED BY
CITY COUNCIL MAY 20

CONSENT AGENDA

ADVERSE REPORT

COMM: *Public Safety*

DATE: *5/14/02*

CHAIR: _____

Carla K...

Clara Henderson

Hand Sh...

C. T. Martin

Ter...

Natasha...

CERTIFIED
MAY 20 2002
ATLANTA CITY COUNCIL PRESIDENT
Catherine W. Woodard

CERTIFIED
MAY 20 2002
Renee Dandrea 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

May 31, 2002

Larry M. Dingle
Attorney at Law
2849 Paces Ferry Road
Suite 700
Atlanta, GA 30339

02-R-0764

RE: New Neighbors, LLC

Dear Attorney Dingle:

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 May 20, 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.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0741

Date: April 3, 2002

Claimant /Victim NEW NEIGHBORS, LLC
BY: (Atty) Larry M. Dingle
Address: Suite 700, 2849 Paces Ferry Road, Atlanta, Georgia 30339
Subrogation: Claim for Property damage \$ 2,500,000.00 Bodily Injury \$
Date of Notice: 12/05/00 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 10/00 Place: 1100 Rice Street
Department Public Works Division: Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that it has sustained property damage during the installation of a sewer line through its property and that the City did not have an easement to perform this work. The investigation has determined that the claimant has now granted the City an easement to install the sewer lines on its property to accomadate the claimant's developement of the property. The claimant's property has not been damaged during this project, but has been enhanced, as the claimant would not be able to develop this property for multi-family use with out the installation of the sewer lines.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report 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 2P01
Claims Manager: [Signature] Concur/date 04-03-02
Committee Action: Council Action

RCS# 3731
5/20/02
2:33 PM

Atlanta City Council

Regular Session

CONSENT I PGS. 1-15: Except 02-O-0852; 02-R-0729

ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

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

CONSENT I

CONSENT AGENDA MAY 20, 2002

ITEMS ADOPTED ON THE
CONSENT AGENDA

02-R-0813 02-R-0753
02-R-0812 02-R-0754
02-R-0807 02-R-0755
02-R-0805 02-R-0756
02-R-0721 02-R-0757
02-R-0504 02-R-0758
02-R-0808 02-R-0759
02-R-0708 02-R-0760
02-R-0707 02-R-0761
02-R-0882
02-R-0881
02-R-0809
02-R-0798
02-R-0797
02-R-0732
02-R-0706
02-R-0724
02-R-0802
02-R-0888
02-R-0887
02-R-0733
02-R-0731
02-R-0728
02-R-0727
02-O-0846
02-O-0830
02-O-0703
02-O-0699
02-O-0671
02-O-0606
02-O-0605
02-O-0833
02-O-0601
02-O-0488
02-O-0836
02-O-0845
02-O-0844
02-O-0843
02-O-0835
02-O-0834
02-O-0603
02-R-0735
02-R-0752

ITEMS ADVERSED ON THE
CONSENT AGENDA

02-R-0762
02-R-0763
02-R-0764
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02-R-0766
02-R-0767
02-R-0768
02-R-0769
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02-R-0771
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