

Entered 02-04-02 - sb
CL 02L0092 - GWENDOLYN BURNS

02-R-1086

CLAIM OF: JAMES H. MURPHY
1227 Paces Forest Drive
Atlanta, Georgia 30327

For property damages sustained from a sewer
backup on January 22, 2002 at 1227 Paces Forest
Drive.

THIS ADVERSED REPORT IS
APPROVED

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

ADVERSE REPORT

COMM: P.S. + L.A.

DATE: JUN 25 2002

CHAIR: [Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

CERTIFIED
JUL 01 2002
ATLANTA CITY COUNCIL PRESIDENT
Robert W. Woodard

CERTIFIED
JUL 01 2002
Flora Daphnia Johnson
MUNICIPAL CLERK

ADVERSED BY
CITY COUNCIL JUL 01



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

July 11, 2002

James H. Murphy
1227 Paces Forest Drive
Atlanta, Georgia 30327

02-R-1086

Dear Mr. Murphy:

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 July 1, 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, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0092

Date: June 11, 2002

Claimant /Victim JAMES H. MURPHY
BY: (Atty) (Ins. Co.)
Address: 1227 Paces Forest Drive, Atlanta, Georgia 30327
Subrogation: Claim for Property damage \$ 325.00 Bodily Injury \$
Date of Notice: 1/30/02 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 1/22/02 Place: 1227 Paces Forest Drive
Department PUBLIC WORKS Division Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that he sustained damage to his home from a sewer backup. However, an investigation determined that the City was never notified of a problem at this location on the day of the event. Further inquiry revealed that the main line was cleaned by the City some years prior to claimant's incident but no activity has recently occurred.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report X Other X
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 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 2P01 2H01
Claims Manager: Concur/date 06-12-02
Committee Action: Council Action

**07/01/02 Council
Meeting**

**ITEMS ADOPTED ON
CONSENT AGENDA**

**ITEMS ADOPTED ON
CONSENT AGENDA**

**ITEMS
ADVERSED
ON CONSENT
AGENDA**

1. 02-O-0718
2. 02-O-1021
3. 02-O-1022
4. 02-O-1119
5. 02-O-1142
6. 02-O-0602
7. 02-O-1013
8. 02-O-1148
9. 02-O-0864
10. 02-O-1017
11. 02-O-1020
12. 02-R-1143
13. 02-R-1104
14. 02-R-1120
15. 02-R-1121
16. 02-R-1122
17. 02-R-0470
18. 02-R-0810
19. 02-R-1182
20. 02-R-1118
21. 02-R-1146
22. 02-R-1177
23. 02-R-1179
24. 02-R-1101
25. 02-R-1102
26. 02-R-1103
27. 02-R-1145
28. 02-R-1134
29. 02-R-1135
30. 02-R-1136
31. 02-R-1176
32. 02-R-1072
33. 02-R-1073

34. 02-R-1074
35. 02-R-1075
36. 02-R-1124
37. 02-R-1125
38. 02-R-1126

39. 02-R-1076
 40. 02-R-1077
 41. 02-R-1078
 42. 02-R-1079
 43. 02-R-1080
 44. 02-R-1081
 45. 02-R-1082
 46. 02-R-1083
 47. 02-R-1084
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 61. 02-R-1098
 62. 02-R-1099
 63. 02-R-1127
 64. 02-R-1128
 65. 02-R-1129
 66. 02-R-1130
 67. 02-R-1131
 68. 02-R-1132
 69. 02-R-1133
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