

Entered - 03/12/99 - sb  
CL99L0150 - DIANNE C. MITCHELL

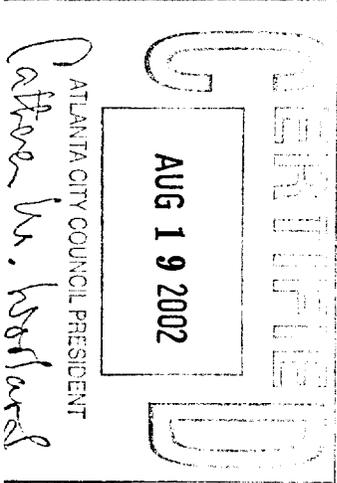
CLAIM OF: **CLYDE DAVID**  
1682 Centra Villa Drive  
Atlanta, Georgia 30311

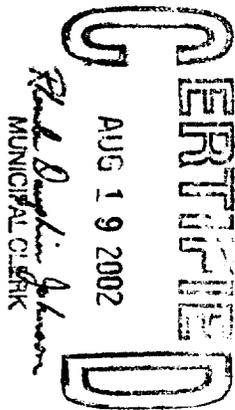
**02-R-1324**

For damages alleged to have been sustained as a result of sewer service fee charges from 1974 through 1996 at 1682 Centra Villa Drive.

THIS ADVERSED REPORT IS APPROVED

BY:   
ROBERT N. GODFREY  
DEPUTY CITY ATTORNEY

  
ATLANTA CITY COUNCIL PRESIDENT  
AUG 19 2002  
*Catherine W. Woodard*

  
MUNICIPAL CLERK  
AUG 19 2002  
*Renee D. Johnson*

  
AUG 19 2002

**ADVERSE REPORT**

COMM: *P.S.L.A.*

DATE: *7/30/02*

CHAIR: *Vice chair C. J. Martin*

*Melanie Archibald*  
*[Signature]*  
*[Signature]*



## 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

August 20, 2002

Clyde David  
1682 Centra Villa Dr.  
Atlanta, GA 30311

02-R-1324

Dear Mr. David:

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 August 19, 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. 99L0150

Date: July 16, 2002

Claimant /Victim CLYDE DAVID

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

Address: 1682 Centra Villa Drive, Atlanta, Georgia 30311

Subrogation: \_\_\_\_\_ Claim for Property damage \$ Not Stated Bodily Injury \$ \_\_\_\_\_

Date of Notice: 03/09/99 Method: Written, proper X Improper \_\_\_\_\_

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

Date of Occurrence 1974-1996 Place: 1682 Centra Villa Drive

Department Public Works Division: Sewer Operations

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges he has been charged for sewer service fees from 1974 through 1996 although his property was connected to a septic system. Pursuant to City Code Section 154-277, the claimant failed to make an application for an exemption from the sewer services fees. Furthermore, the claim as presented does not comply with the requirements of notice as set forth in 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 \_\_\_\_\_

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

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

BASIS OF RECOMMENDATION:

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

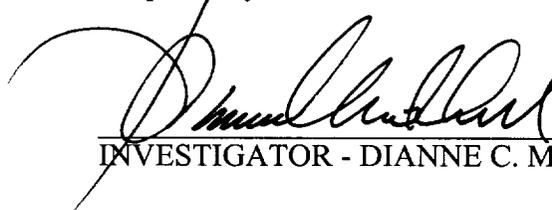
Improper Notice \_\_\_\_\_ More than Six Months X Other X Damages reasonable \_\_\_\_\_

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

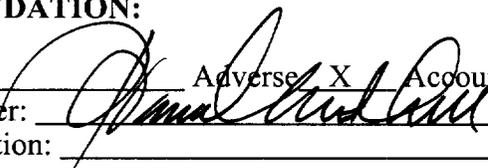
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_ 2P01 \_\_\_\_\_

Claims Manager:  Concur/date 07-16-02

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



---

08/19/02 Council Meeting

---

**ITEMS ADOPTED ON CONSENT  
AGENDA**

**ITEMS ADVERSED  
ON CONSENT AGENDA**

1. 02-O-1181
2. 02-O-1221
3. 02-O-1222
4. 02-O-1282
5. 02-O-1300
6. 02-O-1245
7. 02-O-1293
8. 02-O-1294
9. 02-O-1223
10. 02-O-1220
11. 02-O-1289
12. 02-O-1291
13. 02-O-1273
14. 02-O-1224
15. 02-O-1232
16. 02-O-1233
17. 02-O-1287
18. 02-R-1362
19. 02-R-1283
20. 02-R-1288
21. 02-R-1334
22. 02-R-1279
23. 02-R-1331
24. 02-R-1332
25. 02-R-1333
26. 02-R-1338
27. 02-R-1349
28. 02-R-1350
29. 02-R-1348
30. 02-R-1303
31. 02-R-1304
32. 02-R-1305
33. 02-R-1306

34. 02-R-1307
35. 02-R-1308
36. 02-R-1309
37. 02-R-1310
38. 02-R-1311
39. 02-R-1312
40. 02-R-1313
41. 02-R-1314
42. 02-R-1315
43. 02-R-1316
44. 02-R-1317
45. 02-R-1318
46. 02-R-1319
47. 02-R-1320
48. 02-R-1321
49. 02-R-1322
50. 02-R-1323
51. 02-R-1324
52. 02-R-1325
53. 02-R-1326
54. 02-R-1327
55. 02-R-1328
56. 02-R-1329
57. 02-R-1330

---

1<sup>st</sup> Consent I Vote: 13Yeas; 0 Nays (See RCS #3910)  
Items Removed from Consent: 02-O-1290; 02-O-1213; 02-R-1345; 02-O-1272