Entered - 08/07/02 - sb
CL02L0536 - DIANNE C. MITCHELL

02-R-1687

CLAIM OF: **STATE FARM FIRE AND CASUALTY COMPANY AS SUBROGEE OF COLONY PARK CONDOMINIUM ASSOCIATION AND RENE DANIEL,**
through their attorney,
D. Todd Markle
23 Lenox Pointe
Atlanta, Georgia 30324

CERTIFIED
ATLANTA CITY COUNCIL PRESIDENT
OCT 07 2002

For damages alleged to have been sustained as a result of a sewer back up on January 27, 2002 at 10904 Crabapple Road, Roswell, Georgia.

THIS ADVERSED REPORT IS APPROVED

CERTIFIED
OCT 07 2002

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSE REPORT
CITY COUNCIL OCT 07 2002

VERSE REPORT
IC SAFTEY &
L ADMINISTRATION COMMITTEE
E 10/1/02
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

October 17, 2002

D. Todd Markle
Attorney at Law
23 Lenox Pointe
Atlantla,l GA 30324

02-R-1685

RE: State Farm Fire and Casualty Company as subrogee of Colony Park Condominium Association and ReneDaniel

Dear Attorney Markle:

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 October 7, 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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. **02L0536** Date: September 3, 2002

Claimant/Victim **STATE FARM FIRE AND CASUALTY COMPANY AS SUBROGEE OF COLONY PARK CONDOMINIUM ASSOCIATION AND RENE DANIEL**
BY: (Atty) D. Todd Markle
Address: 23 Lenox Pointe, Atlanta, Georgia 30324
Subrogation: _____ Claim for Property damage $ **4,042.96** Bodily Injury $ _____
Date of Notice: 07/29/02 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) _____
Date of Occurrence 01/27/02 Place: 10904 Crabapple Road, Roswell, GA
Department _____ Division: _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that its property was damaged by a contractor who damaged a sewer line on their property causing a sewer back up. The area where the incident occurred is outside the Atlanta City limits and is in the City of Roswell. 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 _____ Ministerial _____
Improper Notice _____ More than Six Months X Other _____ Damages reasonable _____
City not involved X 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 09-06-02
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 4099
10/07/02
5:15 PM

Atlanta City Council

Regular Session

CONSENT I 0613;1695;1544;1562;1581;1666;1551
1668; Except CDHR #6-#10
RECON/READOPT

YEAS:	10
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	5
EXCUSED:	0
ABSENT	1

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

10/07/02 Council Meeting

ITEMS ADOPTED ON CONSENT AGENDA		ITEMS ADVERSED ON CONSENT AGENDA
1. 02-O-1538	46. 02-R-1702	53. 02-R-1675
2. 02-O-1549	47. 02-R-1703	54. 02-R-1676
3. 02-O-1554	48. 02-R-1704	55. 02-R-1677
4. 02-O-1466	49. 02-R-1705	56. 02-R-1678
5. 02-O-1253	50. 02-R-1706	57. 02-R-1679
6. 02-O-1575	51. 02-R-1707	58. 02-R-1680
7. 02-O-1576	52. 02-R-1708	59. 02-R-1681
8. 02-O-1582		60. 02-R-1682
9. 02-O-1447		61. 02-R-1683
10. 02-O-1545		62. 02-R-1684
11. 02-O-1261		63. 02-R-1685
12. 02-O-1534		64. 02-R-1686
13. 02-R-1662		65. 02-R-1687
14. 02-R-1669		66. 02-R-1688
15. 02-R-1709		67. 02-R-1689
16. 02-R-1711		68. 02-R-1690
17. 02-R-1712		69. 02-R-1691
18. 02-R-1713		70. 02-R-1692
19. 02-R-1633		71. 02-R-1693
20. 02-R-1664		72. 02-R-1694
21. 02-R-1667		73. 02-R-1696
22. 02-R-1673		74. 02-R-1697
23. 02-R-1469		
24. 02-R-1642		
25. 02-R-1644		
26. 02-R-1649		
27. 02-R-1714		
28. 02-R-1727		
29. 02-R-1650		
30. 02-R-1651		
31. 02-R-1652		
32. 02-R-1653		
33. 02-R-1654		
34. 02-R-1655		
35. 02-R-1656		
36. 02-R-1657		
37. 02-R-1658		
38. 02-R-1659		
39. 02-R-1660		
40. 02-R-1718		
41. 02-R-1719		
42. 02-R-1698		
43. 02-R-1699		
44. 02-R-1700		
45. 02-R-1701		

Consent I Vote: 10Yeas; 0 Nays (See RCS #4099; Reconsidered See RCS #4043)

Items Removed from Consent: 02-R-1613; 02-R-1695; 02-O-1544; 02-O-1562; 02-O-1581; 02-R-1666; 02-O-1551; 02-R-1668; 02-O-1598; 02-O-1599; 02-O-1600; 02-O-1601; 02-O-1602