Entered - 08/22/02 - sb
CL02L0594 - DIANNE C. MITCHELL

CLAIM OF: **STEPHEN J. TYDE, JR.**
1090 Austin Avenue
Atlanta, Georgia 30307

02- R -1948

For damages alleged to have been sustained as a result of property damage due to an ongoing storm sewer back up at 1090 Austin Avenue.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

NOV 18 2002

CERTIFIED
NOV 18 2002
MUNICIPAL CLERK

ADVERSED BY CITY COUNCIL NOV 18 2002

ADVERSE REPORT
COMM Public Safety
DATE 11/12/02
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

November 25, 2002

Stephen J. Tyde, Jr.
1090 Austin Ave.
Atlanta, GA 30307

02-R-1948

Dear Mr. Tyde:

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 November 18, 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. **02L0594** Date: October 30, 2002

Claimant /Victim **STEPHEN J. TYDE, JR.**
BY: (Atty)(Ins. Co.)
Address: 1090 Austin Avenue, Atlanta, Georgia 30307
Subrogation: _____ Claim for Property damage $ **Not Stated** Bodily Injury $ _____
Date of Notice: 08/13/02 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence Ongoing Place: 1090 Austin Avenue
Department **Public Works** Division: **Sewer Operations**
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that his property has been damaged on a continuing basis due to storm water back ups. However, the claimant has filed a lawsuit in the Superior Court of Fulton County to resolve the issues raised in his 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 _____ 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 10-31-02
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 4225
11/18/02
2:59 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-9; Except 02-R-1982; 02-O-1882;

ADOPT

YEAS:	13
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	3
EXCUSED:	0
ABSENT	0

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

CONSENT I

	11/18/02 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	**ITEMS ADVERSED ON CONSENT AGENDA**
1. 02-O-1774	31. 02-R-1937
2. 02-O-1972	32. 02-R-1938
3. 02-O-1297	33. 02-R-1939
4. 02-O-1859	34. 02-R-1940
5. 02-O-1860	35. 02-R-1941
6. 02-O-1861	36. 02-R-1942
7. 02-O-1974	37. 02-R-1943
8. 02-O-1979	38. 02-R-1944
9. 02-O-1902	39. 02-R-1945
10. 02-O-1962	40. 02-R-1946
11. 02-O-1971	41. 02-R-1947
12. 02-O-1863	42. 02-R-1948
13. 02-O-1864	43. 02-R-1949
14. 02-R-1924	44. 02-R-1950
15. 02-R-1952	
16. 02-R-1966	
17. 02-R-1996	
18. 02-R-2000	
19. 02-R-1951	
20. 02-R-1954	
21. 02-R-1978	
22. 02-R-1983	
23. 02-R-1984	
24. 02-R-1856	
25. 02-R-1931	
26. 02-R-1932	
27. 02-R-1933	
28. 02-R-1934	
29. 02-R-1935	
30. 02-R-1936	

Consent I Vote: 13 Yeas; 0 Nays (See RCS #4225)
Items Removed from Consent: 02-R-1982; 02-R-1882