

Entered - 06/04/02 - sb  
CL02L0378 - DIANNE C. MITCHELL

CLAIM OF: **WILHELMINA D. GIDEON  
AND FRIEDA A. DANZY**  
636 Skipper Drive, NW  
Atlanta, Georgia 30318

**02-R-1950**

For damages alleged to have been sustained as a result of a sewer  
back up on May 18, 2002 at 636 Skipper Drive, NW.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*  
**ROSALIND RUBENS NEWELL**  
**DEPUTY CITY ATTORNEY**

NOV 18 2002

**CERTIFIED**  
NOV 18 2002  
*Rosalind Rubens Newell*  
MUNICIPAL CLERK

ADVERSED  
CITY COUNCIL NOV 18 2002

**ADVERSED REPORT**  
COM: *Public Safety*  
DATE: *11/2/02*  
CHAIR: *H. S. Sr.*  
*Carla Smith*  
*[Signature]*  
\_\_\_\_\_  
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## 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

Wilhelmina D. Gideon and  
Frieda A. Danzy  
636 Skipper Dr., NW  
Atlanta, GA 30318

02-R-1950

Dear Ms. Gideon & Ms. Danzy:

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, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0508

Date: October 31, 2002

Claimant /Victim ARLINE B. LUMPKIN

BY: (Atty)(Ins. Co.)

Address: 2299 Montview Drive, Atlanta, Georgia 30305

Subrogation: Claim for Property damage \$ 1,744.62 Bodily Injury \$

Date of Notice: 06/26/02 Method: Written, proper X Improper

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

Date of Occurrence 05/11/02 Place: 2299 Montview Drive

Department Public Works Division: Sewer Operations

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimants' property was damaged due to a sewer back up. The City had no notice of any problems with the sewer line prior to the date of this incident.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police Dept Report X 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 Damages reasonable X

City not involved Offer rejected Compromise settlement

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

Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,

[Handwritten signature of Dianne C. Mitchell]

INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 1,744.62 Adverse Account charged: 1A01 2J01 X 2H01 2P01

Claims Manager: [Handwritten signature] Concur/date 10-31-02

Committee Action: Council Action

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

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**11/18/02 Council Meeting**

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**ITEMS ADOPTED ON CONSENT  
AGENDA**

1. 02-O-1774
2. 02-O-1972
3. 02-O-1297
4. 02-O-1859
5. 02-O-1860
6. 02-O-1861
7. 02-O-1974
8. 02-O-1979
9. 02-O-1902
10. 02-O-1962
11. 02-O-1971
12. 02-O-1863
13. 02-O-1864
14. 02-R-1924
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

**ITEMS ADVERSED  
ON CONSENT AGENDA**

31. 02-R-1937
32. 02-R-1938
33. 02-R-1939
34. 02-R-1940
35. 02-R-1941
36. 02-R-1942
37. 02-R-1943
38. 02-R-1944
39. 02-R-1945
40. 02-R-1946
41. 02-R-1947
42. 02-R-1948
43. 02-R-1949
44. 02-R-1950

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