Entered - 04/04/03 - sb
CL03L0259 - DIANNE C. MITCHELL

CLAIM OF: **JAMES L. DAY, III**
1049 Washington Heights Terrace, NW
Atlanta, Georgia 30314

03-R-1784

NOV 03 2003
ATLANTA CITY COUNCIL PRESIDENT

For damages alleged to have been sustained as a result of property damage due to a flood on September 21, 2002 at 1049 Washington Heights Terrace, NW.

THIS ADVERSED REPORT IS APPROVED

BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

NOV 03 2003

ADVERSE REPORT

PUBLIC SAFTEY &
LEGAL ADMINISTRATION COMMITTEE
DATE: 10/28/03
CHAIR: _____

ADVERSED
NOV 03 2003

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 10, 2003

James L. Day, III
1049 Washington Heights Terrace, Nw
Atlanta, Georgia 30314

03-R-1784

Dear Mr. Day:

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 3, 2003. 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. **03L0259** Date: October 7, 2003

Claimant /Victim **JAMES L. DAY, III**
BY: (Atty)(Ins. Co.)
Address: 1049 Washington Heights Terrace, Atlanta, Georgia 30314
Subrogation: _____ Claim for Property damage $ **Not Stated** Bodily Injury $ _____
Date of Notice: 03/21/03 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 09/21/02 Place: 1049 Washington Heights Terrace
Department **Watershed Management** Division: **Sewer Operations**
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that his property was damaged due to a flood on the above date and location. The investigation determined the flood was due to a heavy amount of rainfall. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

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 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 10/09/03
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 5122
11/03/03
1:40 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-18 EXCEPT:03-R-1860,
03-O-1653, 03-R-1676
ADOPT

YEAS:	11
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	2
EXCUSED:	0
ABSENT	3

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

CONSENT I

RCS# 5123
11/03/03
1:41 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I 03-R-1860

ADOPT

YEAS:	10
NAYS:	0
ABSTENTIONS:	1
NOT VOTING:	2
EXCUSED:	0
ABSENT	3

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

CONSENT I

RCS# 5124
11/03/03
1:42 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I 03-R-1676

ADOPT

YEAS:	9
NAYS:	0
ABSTENTIONS:	1
NOT VOTING:	3
EXCUSED:	0
ABSENT	3

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

		11-03-03 Council Meeting
ITEMS ADOPTED ON CONSENT	**ITEMS ADOPTED ON CONSENT**	**ITEMS ADVERSED ON CONSENT**
1. 03-O-1721	41. 03-R-1869	80. 03-R-1765
2. 03-O-1723	42. 03-R-1870	81. 03-R-1766
3. 03-O-1835	43. 03-R-1873	82. 03-R-1767
4. 03-O-1848	**Items Adversed on Consent**	83. 03-R-1768
5. 03-O-1678	44. 03-R-1729	84. 03-R-1769
6. 03-O-1679	45. 03-R-1730	85. 03-R-1770
7. 03-O-1680	46. 03-R-1731	86. 03-R-1771
8. 03-O-1681	47. 03-R-1732	87. 03-R-1772
9. 03-O-1682	48. 03-R-1733	88. 03-R-1773
10. 03-O-1683	49. 03-R-1734	89. 03-R-1774
11. 03-O-1684	50. 03-R-1735	90. 03-R-1775
12. 03-O-1494	51. 03-R-1736	91. 03-R-1776
13. 03-O-1651	52. 03-R-1737	92. 03-R-1777
14. 03-O-1652	53. 03-R-1738	93. 03-R-1778
15. 03-O-1689	54. 03-R-1739	94. 03-R-1779
16. 03-O-1700	55. 03-R-1740	95. 03-R-1780
17. 03-O-1701	56. 03-R-1741	96. 03-R-1781
18. 03-O-1829	57. 03-R-1742	97. 03-R-1782
19. 03-O-1695	58. 03-R-1743	98. 03-R-1783
20. 03-O-1375	59. 03-R-1744	99. 03-R-1784
21. 03-O-1511	60. 03-R-1745	100. 03-R-1785
22. 03-O-1666	61. 03-R-1746	101. 03-R-1786
23. 03-O-1667	62. 03-R-1747	102. 03-R-1787
24. 03-O-1838	63. 03-R-1748	103. 03-R-1788
25. 03-R-1504	64. 03-R-1749	104. 03-R-1789
26. 03-R-1658	65. 03-R-1750	105. 03-R-1790
27. 03-R-1808	66. 03-R-1751	106. 03-R-1791
28. 03-R-1860	67. 03-R-1752	107. 03-R-1792
29. 03-R-1861	68. 03-R-1753	108. 03-R-1793
30. 03-R-1815	69. 03-R-1754	109. 03-R-1794
31. 03-R-1816	70. 03-R-1755	110. 03-R-1795
32. 03-R-1817	71. 03-R-1756	111. 03-R-1796
33. 03-R-1676	72. 03-R-1757	112. 03-R-1797
34. 03-R-1800	73. 03-R-1758	113. 03-R-1798
35. 03-R-1804	74. 03-R-1759	114. 03-R-1799
36. 03-R-1866	75. 03-R-1760	115. 03-R-1840
37. 03-R-1668	76. 03-R-1761	116. 03-R-1003
38. 03-R-1810	77. 03-R-1762	
39. 03-R-1811	78. 03-R-1763	
40. 03-R-1863	79. 03-R-1764	