Entered - 02/04/02 - sb
CL02L0101 - DIANNE C. MITCHELL

CLAIM OF: **THE MACAULEY COMPANIES,**
**through its attorney,**
**Brendan J. McCarthy**
**Suite 700**
**127 Peachtree Street, NE**
**Atlanta, Georgia 30303**

**03- R -2061**

DEC 01 2003

For damages alleged to have been sustained as a result of property damage due to construction on undisclosed dates at 370 Lawrence Place and 3410 Renaissance Circle.

THIS ADVERSED REPORT IS APPROVED

BY: _____
**JERRY L. DELOACH**
**DEPUTY CITY ATTORNEY**

CERTIFIED
DEC 01 2003
MUNICIPAL CLERK

DEC 01 2003

# ADVERSE REPORT

PUBLIC SAFTEY &
LEGAL ADMINISTRATION COMMITTEE
DATE: _____
CHAIR: _____
Mary Norwood
C. T. Martin

# 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

December 12, 2003

Brendan J. McCarthy
Attorney at Law
127 Peachtree St., NE
Suite 700
Atlanta, GA 30303

**03-R-2061**

**RE:** The MacAuley Companies

Dear Attorney McCarthy:

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 December 01, 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.**

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. **02L0101** Date: November 4, 2003

Claimant /Victim **THE MACAULEY COMPANIES**
BY: (Atty) Brendan J. McCarthy
Address: Suite 700, 127 Peachtree Street, NE, Atlanta, Georgia 30303
Subrogation: _____ Claim for Property damage $ **7,000.00** Bodily Injury $ _____
Date of Notice: 01/02/02 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence Unknown Place: 370 Lawrence Place and 3410 Renaissance Circle
Department _____ Division: _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges its property was damaged due to construction performed by United Water Services Atlanta. The claim was forwarded to United Water Services Atlanta, for investigation and handling. United Water Services has forwarded the claim to its insurance carrier for resolution.

**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 _____ 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 11/06/03
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 5190
12/01/03
5:15 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I EXCEPT: 1698,1851,1852,1881,
1309,2087,1719,1845,2164,
ADOPT

| | |
|---|---|
| YEAS: | 15 |
| NAYS: | 0 |
| ABSTENTIONS: | 0 |
| NOT VOTING: | 1 |
| EXCUSED: | 0 |
| ABSENT | 0 |

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

CONSENT I

| | | | 12-01-03 Council Meeting |
|---|---|---|---|
| **ITEMS ADOPTED ON CONSENT** | **ITEMS ADOPTED ON CONSENT** | **ITEMS ADVERSED ON CONSENT** | **ITEMS ADVERSED ON CONSENT** |
| 1. 03-O-1875 | 42. 03-R-1830 | 81. 03-R-2030 | 122. 03-R-2071 |
| 2. 03-O-1876 | 43. 03-R-1849 | 82. 03-R-2031 | 123. 03-R-2072 |
| 3. 03-O-1965 | 44. 03-R-2120 | 83. 03-R-2032 | 124. 03-R-2073 |
| 4. 03-O-2153 | 45. 03-R-2121 | 84. 03-R-2033 | 125. 03-R-2074 |
| 5. 03-O-1376 | 46. 03-R-2122 | 85. 03-R-2034 | 126. 03-R-2075 |
| 6. 03-O-1963 | 47. 03-R-2125 | 86. 03-R-2035 | 127. 03-R-2076 |
| 7. 03-O-1841 | 48. 03-R-2160 | 87. 03-R-2036 | 128. 03-R-2077 |
| 8. 03-O-1377 | 49. 03-R-2000 | 88. 03-R-2037 | 129. 03-R-2078 |
| 9. 03-O-1837 | 50. 03-R-2001 | 89. 03-R-2038 | 130. 03-R-2079 |
| 10. 03-O-1880 | 51. 03-R-2002 | 90. 03-R-2039 | 131. 03-R-2080 |
| 11. 03-O-1896 | 52. 03-R-2003 | 91. 03-R-2040 | 132. 03-R-2081 |
| 12. 03-O-1897 | 53. 03-R-2126 | 92. 03-R-2041 | 133. 03-R-2082 |
| 13. 03-O-1898 | 54. 03-R-2127 | 93. 03-R-2042 | 134. 03-R-2083 |
| 14. 03-O-1888 | **Items Adversed on consent** | 94. 03-R-2043 | 135. 03-R-2084 |
| 15. 03-O-2108 | | 95. 03-R-2044 | 136. 03-R-2085 |
| 16. 03-O-2142 | 55. 03-R-2004 | 96. 03-R-2045 | 137. 03-R-2086 |
| 17. 03-O-2143 | 56. 03-R-2005 | 97. 03-R-2046 | 138. 03-R-2087 |
| 18. 03-O-2144 | 57. 03-R-2006 | 98. 03-R-2047 | 139. 03-R-2088 |
| 19. 03-O-1899 | 58. 03-R-2007 | 99. 03-R-2048 | 140. 03-R-2089 |
| 20. 03-O-2146 | 59. 03-R-2008 | 100. 03-R-2049 | 141. 03-R-2090 |
| 21. 03-R-2110 | 60. 03-R-2009 | 101. 03-R-2050 | 142. 03-R-2091 |
| 22. 03-R-2111 | 61. 03-R-2010 | 102. 03-R-2051 | 143. 03-R-2128 |
| 23. 03-R-2112 | 62. 03-R-2011 | 103. 03-R-2052 | 144. 03-R-2129 |
| 24. 03-R-2113 | 63. 03-R-2012 | 104. 03-R-2053 | 145. 03-R-2130 |
| 25. 03-R-2114 | 64. 03-R-2013 | 105. 03-R-2054 | 146. 03-R-2131 |
| 26. 03-R-2115 | 65. 03-R-2014 | 106. 03-R-2055 | 147. 03-R-2132 |
| 27. 03-R-2116 | 66. 03-R-2015 | 107. 03-R-2056 | 148. 03-R-2133 |
| 28. 03-R-2139 | 67. 03-R-2016 | 108. 03-R-2057 | |
| 29. 03-R-2140 | 68. 03-R-2017 | 109. 03-R-2058 | |
| 30. 03-R-2154 | 69. 03-R-2018 | 110. 03-R-2059 | |
| 31. 03-R-2166 | 70. 03-R-2019 | 111. 03-R-2060 | |
| 32. 03-R-2117 | 71. 03-R-2020 | 112. 03-R-2061 | |
| 33. 03-R-2158 | 72. 03-R-2021 | 113. 03-R-2062 | |
| 34. 03-R-2156 | 73. 03-R-2022 | 114. 03-R-2063 | |
| 35. 03-R-2165 | 74. 03-R-2023 | 115. 03-R-2064 | |
| 36. 03-R-2118 | 75. 03-R-2024 | 116. 03-R-2065 | |
| 37. 03-R-2119 | 76. 03-R-2025 | 117. 03-R-2066 | |
| 38. 03-R-2124 | 77. 03-R-2026 | 118. 03-R-2067 | |
| 39. 03-R-2150 | 78. 03-R-2027 | 119. 03-R-2068 | |
| 40. 03-R-2152 | 79. 03-R-2028 | 120. 03-R-2069 | |
| 41. 03-R-2159 | 80. 03-R-2029 | 121. 03-R-2070 | |