Entered - 07/16/02 - sb
CL02L0496 - DIANNE C. MITCHELL

03- R -0262

CLAIM OF: **KIMBERLY S. WELLS**
239 Windy Ridge Lane
Atlanta, Georgia 30339

CERTIFIED
MAR 03 2003
ATLANTA CITY COUNCIL PRESIDENT

For damages alleged to have been sustained as a result of a sewer back up on May 18, 2002 at 1399 Jonesboro Road.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CERTIFIED
MAR 03 2003
MUNICIPAL CLERK

CITY COUNCIL MAR 03 2003

ADVERSE REPORT
COMM: Public Safety
DATE: 2-25-03
CHAIR:
C.T. Martin
Mary Norwood

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. **02L0496** Date: February 11, 2003

Claimant /Victim **KIMBERLY S. WELLS**
BY: (Atty)(Ins. Co.)
Address: 239 Windy Ridge Lane, Atlanta, Georgia 30339
Subrogation: _____ Claim for Property damage $ **623.95** Bodily Injury $ _____
Date of Notice: 07/02/02 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 05/18/02 Place: 1399 Jonesboro Road
Department **Watershed Management** Bureau: **Sewer Operations**
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges her property was damaged due to a sewer back up. The investigation determined that the City had no notice of any problems on the mainline prior to the subject back up. 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 02-01-03
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 4504
3/03/03
2:24 PM

Atlanta City Council

Regular Session

CONSENT 1 Pgs. 1-11: Except 03-R-0321;

Adopt

YEAS:	12
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	4
EXCUSED:	0
ABSENT	0

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

3/03/03 FULL COUNCIL MEETING

Items Adopted on the Consent Agenda	Items Adversed on the Consent Agenda
1. 03-O-0154	32. 03-R-0244
2. 03-O-0155	33. 03-R-0246
3. 03-O-0156	34. 03-R-0247
4. 03-O-0157	35. 03-R-0248
5. 03-O-0158	36. 03-R-0249
6. 03-O-0159	36.03-R-0250
7. 03-O-0227	37.03-R-0251
8. 03-O-0230	38.03-R-0252
9. 03-O-0231	39. 03-R-0253
10. 03-O-0278	40. 03-R-0254
11. 03-R-0232	41. 03-R-0255
12. 03-R-0285	42. 03-R-0256
13. 03-R-0216	43. 03-R-0257
14. 03-R-0222	44. 03-R-0258
15. 03-R-0309	45. 03-R-0259
16. 03-R-0226	46. 03-R-0260
17. 03-R-0283	47. 03-R-0261
18. 03-R-0284	48. 03-R-0262
19. 03-R-0324	49. 03-R-0263
20. 03-R-0237	50. 03-R-0264
21. 03-R-0238	51. 03-R-0265
22. 03-R-0239	52. 03-R-0266
23. 03-R-0240	53. 03-R-0267
24. 03-R-0241	54. 03-R-0268
25. 03-R-0242	55. 03-R-0269
26. 03-R-0243	56. 03-R-0270
27. 03-R-0245	57. 03-R-0271
28. 03-R-0279	58. 03-R-0272
29. 03-R-0280	59. 03-R-0273
30. 03-R-0281	60. 03-R-0274
31. 03-R-0282	61. 03-R-0275
	62. 03-R-0276
	63. 03-R-0277

Consent I Vote: 12Yeas; 0 Nays: (See RCS #4504)
Item Removed from the Consent Agenda: 03-R-0321