ADVERSED
JUL 21 2003

Entered - 12/31/02 - sb
CL02L0953 - DIANNE C. MITCHELL

03-R-1070

CLAIM OF: **BRIAN KEITH HODGES**
909 Confederate Avenue, SE
Atlanta, Georgia 30312

CERTIFIED
JUL 21 2003
COUNCIL PRESIDENT PROTEM

For damages alleged to have been sustained as a result of a sewer back up on December 24, 2002 at 909 Confederate Avenue, SE.

THIS ADVERSED REPORT IS APPROVED

BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

CERTIFIED
JUL 21 2003
DEPUTY MUNICIPAL CLERK

ADVERSE REPORT

PUBLIC SAFTEY &
LEGAL ADMINISTRATION COMMITTEE
DATE: 7/15/03
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

July 25, 2003

Brian Keith Hodges
909 Confederate Ave., SE
Atlanta, GA 30312

03-R-1070

Dear Mr. Hodges:

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 July 21, 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. **02L0953** Date: June 27, 2003

Claimant /Victim **BRIAN KEITH HODGES**
BY: (Atty)(Ins. Co.)
Address: 909 Confederate Avenue, SE, Atlanta, Georgia 30312
Subrogation: _____ Claim for Property damage $ **35,229.11** Bodily Injury $ _____
Date of Notice: 12/30/02 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 12/24/02 Place: 909 Confederate Avenue, SE
Department **Watershed Management** Bureau: **Waste Water**
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges his property was damaged due to a sewer back up. The investigation determined that the cause of the back up was due to a hole in the line. However, the City had no knowledge of any problems with the sewer line prior to the claimant's 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 06-27-03
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 4940
7/21/03
6:41 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS. 1-11, EXCEPT:03-O-1034
03-R-1110, C3-R-1137, 03-O-1116
ADOPT

YEAS:	13
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	1
EXCUSED:	1
ABSENT	1

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

CONSENT I

		7/21/03 Full Council Meeting
ITEMS ADOPTED ON CONSENT	**ITEMS ADVERSED ON CONSENT**	**ITEMS ADVERSED ON CONSENT**
1. 02-O-1259	26. 03-R-1039	51. 03-R-1064
2. 03-O-0148	27. 03-R-1040	52. 03-R-1065
3. 03-O-0826	28. 03-R-1041	53. 03-R-1066
4. 03-O-1114	29. 03-R-1042	54. 03-R-1067
5. 03-O-1122	30. 03-R-1043	55. 03-R-1068
6. 03-O-0939	31. 03-R-1044	56. 03-R-1069
7. 03-O-0974	32. 03-R-1045	57. 03-R-1070
8. 03-O-1120	33. 03-R-1046	58. 03-R-1071
9. 03-O-0964	34. 03-R-1047	59. 03-R-1072
10. 03-O-1115	35. 03-R-1048	60. 03-R-1073
11. 03-O-1117	36. 03-R-1049	61. 03-R-1074
12. 03-R-0896	37. 03-R-1050	
13. 03-R-1103	38. 03-R-1051	
14. 03-R-1126	39. 03-R-1052	
15. 03-R-1136	40. 03-R-1053	
16. 03-R-1124	41. 03-R-1054	
17. 03-R-1102	42. 03-R-1055	
18. 03-R-1129	43. 03-R-1056	
19. 03-R-1135	44. 03-R-1057	
20. 03-R-1088	45. 03-R-1058	
21. 03-R-1104	46. 03-R-1059	
22. 03-R-1111	47. 03-R-1060	
23. 03-R-1036	48. 03-R-1061	
24. 03-R-1037	49. 03-R-1062	
25. 03-R-1038	50. 03-R-1063	

Consent I Vote: 13 Yeas; 0Nays: (See RCS #4940)
Items Removed from the Consent Agenda: 03-O-1034; 03-O-1116; 03-R-1110; 03-R-1137;