Entered - 11/21/02 - sb
CL02L0836 - DIANNE C. MITCHELL

CLAIM OF: **GABLES BUCKHEAD APARTMENTS**
475 Buckhead Avenue, NE
Atlanta, Georgia 30305

03-L-1280

CERTIFIED
SEP 02 2003
ATLANTA CITY COUNCIL PRESIDENT

For damages alleged to have been sustained as a result of property damage due to storm water flooding on September 21, 2002 at 475 Buckhead Avenue, NE.

THIS ADVERSED REPORT IS APPROVED

BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

CERTIFIED
SEP 02 2003

ADVERSE REPORT
PUBLIC SAFTEY &
LEGAL ADMINISTRATION COMMITTEE
DATE: 8/26/03
CHAIR:

ADVERSED
SEP 02 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

September 9, 2003

Gables Buckhead Apartments
Attn: Diane Areno
475 Buckhead Ave., NE
Atlanta, Georgia 30305

03-R-1280

Dear Ms. Areno:

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 September 02, 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. **02L0836** Date: August 6, 2003

Claimant /Victim **GABLES BUCKHEAD APARTMENTS**
BY: (Atty)(Ins. Co.)
Address: 475 Buckhead Avenue, NE, Atlanta, Georgia 30305
Subrogation: _____ Claim for Property damage $ **17,864.15** Bodily Injury $ _____
Date of Notice: 11/12/02 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 09/21/02 Place: 475 Buckhead Avenue, NE
Department **Watershed Management** Division: _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that its property was damaged from the overflow of storm water due to clogged drains. The investigation determined that the drains in question are owned by the claimant and not the responsibility of the City. Furthermore, the overflow of water was also due to an excessive amount of rainfall for which the City is not responsible.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures X 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 08-06-03
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 4975
9/02/03
1:20 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-18, EXCEPT;03-R-1310

ADOPT

YEAS:	14
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	2
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	NV Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

		9/02/03 Full Council Meeting
ITEMS ADOPTED ON CONSENT	**ITEMS ADVERSED ON CONSENT**	**ITEMS ADVERSED ON CONSENT**
1. 03-O-1175	44. 03-R-1220	81. 03-R-1258
2. 03-O-1351	45. 03-R-1221	82. 03-R-1259
3. 03-O-1166	46. 03-R-1222	83. 03-R-1260
4. 03-O-1167	47. 03-R-1223	84. 03-R-1261
5. 03-O-1355	48. 03-R-1224	85. 03-R-1262
6. 03-O-1203	49. 03-R-1225	86. 03-R-1263
7. 03-O-1204	50. 03-R-1226	87. 03-R-1264
8. 03-O-1205	51. 03-R-1227	88. 03-R-1265
9. 03-O-0827	52. 03-R-1228	89. 03-R-1266
10. 03-O-1357	53. 03-R-1229	90. 03-R-1267
11. 03-R-1338	54. 03-R-1230	91. 03-R-1268
12. 03-R-1312	55. 03-R-1231	92. 03-R-1269
13. 03-R-1313	56. 03-R-1232	93. 03-R-1270
14. 03-R-1353	57. 03-R-1234	94. 03-R-1271
15. 03-R-1202	58. 03-R-1235	95. 03-R-1272
16. 03-R-1301	59. 03-R-1236	96. 03-R-1273
17. 03-R-1320	60. 03-R-1237	97. 03-R-1274
18. 03-R-1321	61. 03-R-1238	98. 03-R-1275
19. 03-R-1322	62. 03-R-1239	99. 03-R-1276
20. 03-R-1331	63. 03-R-1240	100. 03-R-1277
21. 03-R-1332	64. 03-R-1241	101. 03-R-1278
22. 03-R-1333	65. 03-R-1242	102. 03-R-1279
23. 03-R-1334	66. 03-R-1243	103. 03-R-1280
24. 03-R-1314	67. 03-R-1244	104. 03-R-1281
25. 03-R-1318	68. 03-R-1245	105. 03-R-1282
26. 03-R-1325	69. 03-R-1246	106. 03-R-1283
27. 03-R-1327	70. 03-R-1247	107. 03-R-1284
28. 03-R-1328	71. 03-R-1248	108. 03-R-1285
29. 03-R-1288	72. 03-R-1249	109. 03-R-1286
30. 03-R-1289	73. 03-R-1250	110. 03-R-1287
31. 03-R-1290	74. 03-R-1251	111. 03-R-1304
32. 03-R-1291	75. 03-R-1252	112. 03-R-1305
33. 03-R-1292	76. 03-R-1253	113. 03-R-1306
34. 03-R-1293	77. 03-R-1254	114. 03-R-1307
35. 03-R-1294	78. 03-R-1255	115. 03-R-1308
36. 03-R-1295	79. 03-R-1256	
37. 03-R-1296	80. 03-R-1257	
38. 03-R-1297		
39. 03-R-1298		
40. 03-R-1299		
41. 03-R-1300		
42. 03-R-1302		
43. 03-R-1303		