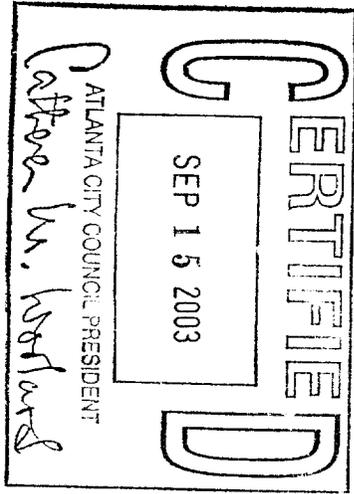


Entered - 10/10/02 - sb
CL02L0704 - DIANNE C. MITCHELL

CLAIM OF: **LUCILE W. NEELY**
1281 Fair Street, SW
Atlanta, Georgia 30314

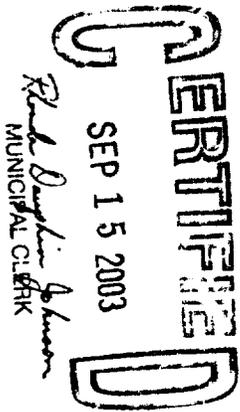
03-R-1416



For damages alleged to have been sustained as a result of property damage due to a sewer back up on September 21, 2002 at 1281 Fair Street, SW.

THIS ADVERSED REPORT IS APPROVED

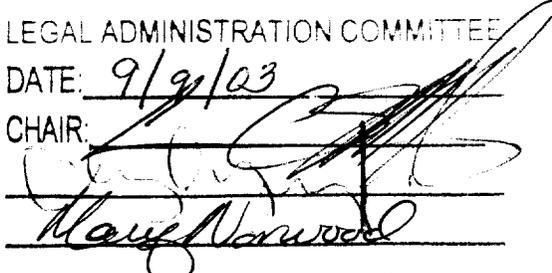
BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY



ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 9/9/03

CHAIR: 

Maury Harwood

A. S. Kelly



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

September 30, 2003

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

Lucile W. Neely
1281 Fair St., SW
Atlanta, GA 30314

03-R-1416

Dear Ms. Neely:

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 15, 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, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0704

Date: August 22, 2003

Claimant /Victim LUCILE W. NEELY

BY: (Atty)(Ins. Co.) _____

Address: 1281 Fair Street, SW, Atlanta, Georgia 30314

Subrogation: Claim for Property damage \$ Not Stated Bodily Injury \$ _____

Date of Notice: 10/04/02 Method: Written, proper Improper

Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)

Date of Occurrence 09/21/02 Place: 1281 Fair Street, SW

Department Watershed Management Division: Sewer Operations

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that her property has been damaged due to a sewer back up. However, the claimant has elected to receive payment for her damages through her insurance carrier, see City Claim Number 03L0195.

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 _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

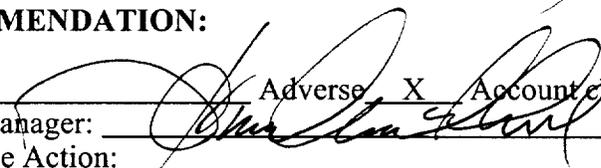
Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse Account charged: 1A01 _____ 2J01 _____ 2H01 _____ 2P01 _____

Claims Manager:  Concur/date 08-27-03

Committee Action: _____ Council Action _____

RCS# 5027
9/15/03
2:51 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-13, EXCEPT:03-R-1449
03-R-1460, 03-R-1463
ADOPT

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 2

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

CONSENT I

| 9-15-03 Council Meeting | |
|-----------------------------|------------------------------|
| ITEMS ADOPTED ON CONSENT | ITEMS ADVERSED ON CONSENT |
| 1. 03-O-1347 | 35. 03-R-1399 |
| 2. 03-O-1451 | 36. 03-R-1400 |
| 3. 03-O-1311 | 37. 03-R-1401 |
| 4. 03-O-1443 | 38. 03-R-1402 |
| 5. 03-O-1319 | 39. 03-R-1403 |
| 6. 03-O-1317 | 40. 03-R-1404 |
| 7. 03-O-1441 | 41. 03-R-1405 |
| 8. 03-O-1447 | 42. 03-R-1406 |
| 9. 03-O-1109 | 43. 03-R-1407 |
| 10. 03-O-1329 | 44. 03-R-1408 |
| 11. 03-O-1330 | 45. 03-R-1409 |
| 12. 03-R-1371 | 46. 03-R-1410 |
| 13. 03-R-1372 | 47. 03-R-1411 |
| 14. 03-R-1373 | 48. 03-R-1412 |
| 15. 03-R-1374 | 49. 03-R-1413 |
| 16. 03-R-1437 | 50. 03-R-1414 |
| 17. 03-R-1458 | 51. 03-R-1415 |
| 18. 03-R-1459 | 52. 03-R-1416 |
| 19. 03-R-1383 | 53. 03-R-1417 |
| 20. 03-R-1446 | 54. 03-R-1418 |
| 21. 03-R-1456 | 55. 03-R-1419 |
| 22. 03-R-1316 | 56. 03-R-1420 |
| 23. 03-R-1337 | 57. 03-R-1421 |
| 24. 03-R-1381 | 58. 03-R-1422 |
| 25. 03-R-1382 | 59. 03-R-1423 |
| 26. 03-R-1449 | 60. 03-R-1424 |
| 27. 03-R-1390 | 61. 03-R-1425 |
| 28. 03-R-1392 | 62. 03-R-1426 |
| 29. 03-R-1393 | 63. 03-R-1427 |
| 30. 03-R-1394 | 64. 03-R-1428 |
| 31. 03-R-1395 | 65. 03-R-1429 |
| 32. 03-R-1396 | 66. 03-R-1430 |
| 33. 03-R-1397 | 67. 03-R-1431 |
| 34. 03-R-1398 | 68. 03-R-1432 |

Consent I Vote: 10 Yeas; 0Nays: (See RCS #5027) ; 9Yeas; 0Nays: (See RCS #5008)
 Items Removed from the Consent Agenda: 03-R-1460; 03-R-1463; Mitchell abstained on 03-R-1449;