Entered - 06/24/03 - sb
CL - 03L0518 LISA CARTER

03- R -1426

CLAIM OF: LOFTS AT THE PARK II
CONDOMINIUMS, through its attorney
David J. Marmins, Esq.
Eight Piedmont Center, Suite 300
3525 Piedmont Road, NE
Atlanta, Georgia 30305

CERTIFIED
SEP 15 2003
ATLANTA CITY COUNCIL PRESIDENT

For damages alleged to have been sustained as a result of a storm water overflow on June 13, 2003 at 1058 Piedmont Avenue, NE.

THIS ADVERSED REPORT IS APPROVED

BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

CERTIFIED
SEP 15 2003
MUNICIPAL CLERK

ADVERSE REPORT

PUBLIC SAFTEY &
LEGAL ADMINISTRATION COMMITTEE
DATE: 9/9/03
CHAIR:

OFFICE OF MUNICIPAL CLERK

IONDA 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 30, 2003

David J. Marmins
Attorney at Law
3525 Piedmont Rd., NE
Eight Piedmont Center, Suite 300
Atlanta, GA 30305

03-R-1426

RE: Lofts At The Park II Condominiums

Dear Attorney Marmins:

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 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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. **03L0518** Date: August 27, 2003

Claimant /Victim **LOFTS AT THE PARK II CONDOMINIUMS**
BY: (Atty) (Ins. Co.) David J. Marmins
Address: Eight Piedmont Center, Suite 300 3525 Piedmont Road, NE Atlanta, Georgia 30305
Subrogation: _____ Claim for Property damage $ Unspecified Bodily Injury $ _____
Date of Notice: 06/23/03 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 06/13/03 Place: 1058 Piedmont Avenue, NE
Department Watershed Management Bureau: _____ Division: Sewer Operations
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that damages were sustained as a result of a storm water overflow at 1058 Piedmont Avenue, NE. However, claimant has elected to file a lawsuit to resolve the issues raised in its claim.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures X Diagrams _____ Reports: Police _____ Dept Report _____ Other X
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,

Lisa Carter
INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay $ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager: _____ Concur/date 08/27/03
Committee Action: _____ Council Action _____

FORM 23-61

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

	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;