Entered - 10/18/02 - sb
CL02L0735 - DIANNE C. MITCHELL

CLAIM OF: **ANNIE LEE DUFFY**
1788 South Olympian Way
Atlanta, Georgia 30310

03- R -1631

For damages alleged to have been sustained as a result of a sewer back up on September 21, 2002 at 1788 South Olympian Way.

THIS ADVERSED REPORT IS APPROVED

BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

CERTIFIED
OCT 20 2003
ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
OCT 20 2003
MUNICIPAL CLERK

ADVERSE REPORT

PUBLIC SAFTEY &
LEGAL ADMINISTRATION COMMITTEE
DATE: 10/14/03
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

October 29, 2003

Annie Lee Duffy
1788 So. Olympian Way
Atlanta, GA 30310

03-R-1631

Dear Ms. Duffy:

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 October 20, 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. **02L0735** Date: September 29, 2003

Claimant /Victim **ANNIE LEE DUFFY**
BY: (Atty)(Ins. Co.)
Address: 1788 South Olympian Way, Atlanta, Georgia 30310
Subrogation: _____ Claim for Property damage $ **1,000.00** Bodily Injury $ _____
Date of Notice: 10/14/02 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: 1788 South Olympian Way
Department **Watershed Management** Bureau: **Waste Water**
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that her property was damaged due to a sewer back up. However, the City had no notice of any problems associated with the sewer line prior to the claimant's incident. 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 09/30/03
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 5099
10/20/03
4:32 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I EXCEPT:03-O-1695, 03-O-1444
03-O-1689, 03-O-1493, 03-O-1494
~~-RECONSIDER-~~
ADOPT

YEAS:	10
NAYS:	1
ABSTENTIONS:	0
NOT VOTING:	4
EXCUSED:	0
ABSENT	1

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

CONSENT I

RCS# 5098
10/20/03
4:30 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I & II PGS 1-22 EXCEPT:03-O-1695
03-O-1444, 03-O-1689, 03-O-1493
RECONSIDER

YEAS:	10
NAYS:	1
ABSTENTIONS:	0
NOT VOTING:	4
EXCUSED:	0
ABSENT	1

See RCS# 5067

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

CONSENT I

RCS# 5067
10/20/03
2:15 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-17, EXCEPT:03-O-1695, 03-O-1444, 03-O-1689, 03-O-1493
ADOPT

Reconsidered 104 in
See RCS # 5098

YEAS:	11
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	4
EXCUSED:	0
ABSENT	1

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

CONSENT I

		10-20-03 Council Meeting
ITEMS ADOPTED ON CONSENT	**ITEMS ADOPTED ON CONSENT**	**ITEMS ADVERSED ON CONSENT**
1. 03-O-1509	41. 03-R-1599	80. 03-R-1638
2. 03-O-1510	42. 03-R-1600	81. 03-R-1639
3. 03-O-1706	43. 03-R-1601	82. 03-R-1640
4. 03-O-1354	44. 03-R-1602------	83. 03-R-1641
5. 03-O-1500	**Items Adversed on**	84. 03-R-1642
6. 03-O-1501	**Consent**	85. 03-R-1643
7. 03-O-1130	45. 03-R-1603	86. 03-R-1644
8. 03-O-1434	46. 03-R-1604	87. 03-R-1645
9. 03-O-1512	47. 03-R-1605	88. 03-R-1646
10. 03-O-1586	48. 03-R-1606	89. 03-R-1647
11. 03-O-0662	49. 03-R-1607	90. 03-R-1648
12. 03-R-1669	50. 03-R-1608	91. 03-R-1649
13. 03-R-1508	51. 03-R-1609	
14. 03-R-1661	52. 03-R-1610	
15. 03-R-1662	53. 03-R-1611	
16. 03-R-1663	54. 03-R-1612	
17. 03-R-1664	55. 03-R-1613	
18. 03-R-1691	56. 03-R-1614	
19. 03-R-1704	57. 03-R-1615	
20. 03-R-1670	58. 03-R-1616	
21. 03-R-1671	59. 03-R-1617	
22. 03-R-1672	60. 03-R-1618	
23. 03-R-1673	61. 03-R-1619	
24. 03-R-1674	62. 03-R-1620	
25. 03-R-1675	63. 03-R-1621	
26. 03-R-1654	64. 03-R-1622	
27. 03-R-1655	65. 03-R-1623	
28. 03-R-1711	66. 03-R-1624	
29. 03-R-1724	67. 03-R-1625	
30. 03-R-1725	68. 03-R-1626	
31. 03-R-1726	69. 03-R-1627	
32. 03-R-1727	70. 03-R-1628	
33. 03-R-1656	71. 03-R-1629	
34. 03-R-1657	72. 03-R-1630	
35. 03-R-1728	73. 03-R-1631	
36. 03-R-1594	74. 03-R-1632	
37. 03-R-1595	75. 03-R-1633	
38. 03-R-1596	76. 03-R-1634	
39. 03-R-1597	77. 03-R-1635	
40. 03-R-1598	78. 03-R-1636	
	79. 03-R-1637	