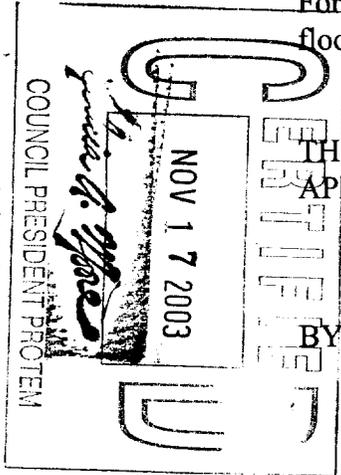


Entered - 09/24/03 - sb  
CL - 03L0773 LISA CARTER

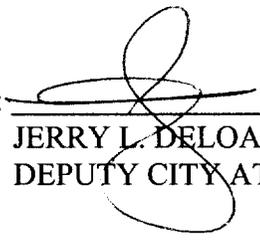
CLAIM OF: LOUIS G. BUICE  
4950 Cheryl Circle  
Powder Springs, Georgia 30127

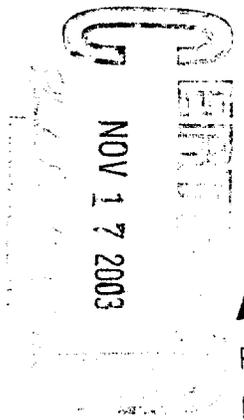
03-*R*-1917

For damages alleged to have been sustained as a result of a  
flood on June 30, 2003 at 1330 Spring Street.



THIS ADVERSED REPORT IS  
APPROVED

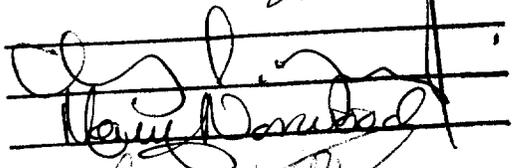
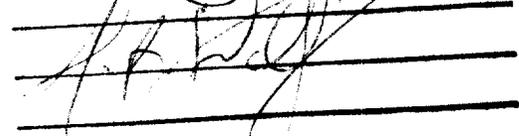
BY:   
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY



**ADVERSE REPORT**

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 11/10/03  
CHAIR: 

**ADVERSED**  
NOV 17 2003



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

November 17, 2003

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

Louis G. Buice  
4950 Cheryl Circle  
Powder Springs, Georgia 30127

03-R-1917

Dear Ms. Buice:

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 November 17, 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.

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0773

Date: October 28, 2003

Claimant /Victim LOUIS G. BUICE

BY: (Atty) (Ins. Co.)

Address: 4950 Cheryl Circle Powder Springs, Georgia 30127

Subrogation: Claim for Property damage \$ 2,362.58 Bodily Injury \$

Date of Notice: 9/12/03 Method: Written, proper X Improper

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

Date of Occurrence 06/30/03 Place: 1330 Spring Street, NW

Department Watershed Management Bureau: Division: Sewer Operations

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges he sustained vehicular damages as a result of a flood at 1330 Spring Street. However, the city was not on notice of the existence of a problem with the catch basin prior to the incident involving the claimant. Furthermore, 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,

Lisa Carter
INVESTIGATOR - LISA CARTER

RECOMMENDATION:

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

Claims Manager: Concur/date 10/30/03

Committee Action: Council Action

RCS# 5155  
11/17/03  
3:51 PM

Atlanta City Council

Regular Session

CONSENT I

EXCEPT:03-R-1973,03-R-1974,1981,1834,  
03-R-1801,03-R-1878 03-R-1879, 03-R-1971  
ADOPT

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
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	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

11-17-03 Council Meeting		
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-1812	42. 03-R-1902	80. 03-R-1940
2. 03-O-1802	43. 03-R-1903	81. 03-R-1941
3. 03-O-1958	44. 03-R-1904	82. 03-R-1942
4. 03-O-1959	45. 03-R-1905	83. 03-R-1943
5. 03-O-1960	46. 03-R-1906	84. 03-R-1944
6. 03-O-1961	47. 03-R-1907	85. 03-R-1945
7. 03-O-1962	<b>Items Adversed on</b>	86. 03-R-1946
8. 03-O-1963	<b>consent</b>	87. 03-R-1947
9. 03-O-1809	48. 03-R-1908	88. 03-R-1948
10. 03-O-1957	49. 03-R-1909	89. 03-R-1949
11. 03-O-1862	50. 03-R-1910	90. 03-R-1950
12. 03-O-1868	51. 03-R-1911	91. 03-R-1951
13. 03-O-1699	52. 03-R-1912	
14. 03-O-1805	53. 03-R-1913	
15. 03-O-1806	54. 03-R-1914	
16. 03-O-1807	55. 03-R-1915	
17. 03-O-1813	56. 03-R-1916	
18. 03-O-1871	57. 03-R-1917	
19. 03-O-1966	58. 03-R-1918	
20. 03-R-1477	59. 03-R-1919	
21. 03-R-1877	60. 03-R-1920	
22. 03-R-1952	61. 03-R-1921	
23. 03-R-1886	62. 03-R-1922	
24. 03-R-1882	63. 03-R-1923	
25. 03-R-1883	64. 03-R-1924	
26. 03-R-1884	65. 03-R-1925	
27. 03-R-1885	66. 03-R-1926	
28. 03-R-1980	67. 03-R-1927	
29. 03-R-1972	68. 03-R-1928	
30. 03-R-1982	69. 03-R-1929	
31. 03-R-0929	70. 03-R-1930	
32. 03-R-0982	71. 03-R-1931	
33. 03-R-1665	72. 03-R-1932	
34. 03-R-1889	73. 03-R-1933	
35. 03-R-1891	74. 03-R-1934	
36. 03-R-1892	75. 03-R-1935	
37. 03-R-1893	76. 03-R-1936	
38. 03-R-1894	77. 03-R-1937	
39. 03-R-1900	78. 03-R-1938	
40. 03-R-1953	79. 03-R-1939	
41. 03-R-1975		