Entered - 06/16/03 - sb
CL03L0474 - DIANNE C. MITCHELL

CLAIM OF: **MR. AND MRS. CURTIS MITCHELL** **03- R -2073**
937 Neal Street, NW
Atlanta, Georgia 30314

For damages alleged to have been sustained as a result of property damage due to flooding on September 21, 2002, May 6 and 15 , 2003 at 937 Neal Street, NW.

THIS ADVERSED REPORT IS APPROVED

BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

CERTIFIED
DEC 01 2003
MUNICIPAL CLERK

DEC 01 2003

ADVERSE REPORT
PUBLIC SAFETY
LEGAL ADMINISTRATIVE COMMITTEE
DATE: _____
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

December 9, 2003

Mr&Mrs. Curtis Mitchell
937 Neal Street, NW
Atlanta, GA 30314

03-R-2073

Dear Mr. & Mrs. Mitchell:

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 December 01, 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. **03L0474** Date: November 7, 2003

Claimant /Victim **MR. AND MRS. CURTIS MITCHELL**
BY: (Atty.)Ins. Co.)
Address: 937 Neal Street, NW, Atlanta, Georgia 30314
Subrogation: _____ Claim for Property damage $ **Not Stated** Bodily Injury $ _____
Date of Notice: 06/09/03 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 09/21/02 and 05/06 &15/03 Place: 937 Neal Street, NW
Department **Watershed Management** Division: **Sewer Operations**
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimants allege that their property was damaged due to a flood on the above dates and location. The investigation determined that the flooding was due to a heavy amount of rainfall. The City is immune from liability as set forth in O.C.G.A. §36-33-1. Furthermore, as to the event occurring on September 21, 2002, the claim does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, in that the six month statute of limitations expired prior to the receipt of the claim.

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 11/07/03
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 5190
12/01/03
5:15 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I EXCEPT: 1698,1851,1852,1881,
1309,2087,1719,1845,2164,
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

			12-01-03 Council Meeting
ITEMS ADOPTED ON CONSENT	**ITEMS ADOPTED ON CONSENT**	**ITEMS ADVERSED ON CONSENT**	**ITEMS ADVERSED ON CONSENT**
1. 03-O-1875	42. 03-R-1830	81. 03-R-2030	122. 03-R-2071
2. 03-O-1876	43. 03-R-1849	82. 03-R-2031	123. 03-R-2072
3. 03-O-1965	44. 03-R-2120	83. 03-R-2032	124. 03-R-2073
4. 03-O-2153	45. 03-R-2121	84. 03-R-2033	125. 03-R-2074
5. 03-O-1376	46. 03-R-2122	85. 03-R-2034	126. 03-R-2075
6. 03-O-1963	47. 03-R-2125	86. 03-R-2035	127. 03-R-2076
7. 03-O-1841	48. 03-R-2160	87. 03-R-2036	128. 03-R-2077
8. 03-O-1377	49. 03-R-2000	88. 03-R-2037	129. 03-R-2078
9. 03-O-1837	50. 03-R-2001	89. 03-R-2038	130. 03-R-2079
10. 03-O-1880	51. 03-R-2002	90. 03-R-2039	131. 03-R-2080
11. 03-O-1896	52. 03-R-2003	91. 03-R-2040	132. 03-R-2081
12. 03-O-1897	53. 03-R-2126	92. 03-R-2041	133. 03-R-2082
13. 03-O-1898	54. 03-R-2127	93. 03-R-2042	134. 03-R-2083
14. 03-O-1888	**Items Adversed on consent**	94. 03-R-2043	135. 03-R-2084
15. 03-O-2108		95. 03-R-2044	136. 03-R-2085
16. 03-O-2142	55. 03-R-2004	96. 03-R-2045	137. 03-R-2086
17. 03-O-2143	56. 03-R-2005	97. 03-R-2046	138. 03-R-2087
18. 03-O-2144	57. 03-R-2006	98. 03-R-2047	139. 03-R-2088
19. 03-O-1899	58. 03-R-2007	99. 03-R-2048	140. 03-R-2089
20. 03-O-2146	59. 03-R-2008	100. 03-R-2049	141. 03-R-2090
21. 03-R-2110	60. 03-R-2009	101. 03-R-2050	142. 03-R-2091
22. 03-R-2111	61. 03-R-2010	102. 03-R-2051	143. 03-R-2128
23. 03-R-2112	62. 03-R-2011	103. 03-R-2052	144. 03-R-2129
24. 03-R-2113	63. 03-R-2012	104. 03-R-2053	145. 03-R-2130
25. 03-R-2114	64. 03-R-2013	105. 03-R-2054	146. 03-R-2131
26. 03-R-2115	65. 03-R-2014	106. 03-R-2055	147. 03-R-2132
27. 03-R-2116	66. 03-R-2015	107. 03-R-2056	148. 03-R-2133
28. 03-R-2139	67. 03-R-2016	108. 03-R-2057	
29. 03-R-2140	68. 03-R-2017	109. 03-R-2058	
30. 03-R-2154	69. 03-R-2018	110. 03-R-2059	
31. 03-R-2166	70. 03-R-2019	111. 03-R-2060	
32. 03-R-2117	71. 03-R-2020	112. 03-R-2061	
33. 03-R-2158	72. 03-R-2021	113. 03-R-2062	
34. 03-R-2156	73. 03-R-2022	114. 03-R-2063	
35. 03-R-2165	74. 03-R-2023	115. 03-R-2064	
36. 03-R-2118	75. 03-R-2024	116. 03-R-2065	
37. 03-R-2119	76. 03-R-2025	117. 03-R-2066	
38. 03-R-2124	77. 03-R-2026	118. 03-R-2067	
39. 03-R-2150	78. 03-R-2027	119. 03-R-2068	
40. 03-R-2152	79. 03-R-2028	120. 03-R-2069	
41. 03-R-2159	80. 03-R-2029	121. 03-R-2070	