

Entered 7-8-03 sb
CL 03L0552 GWENDOLYN BURNS

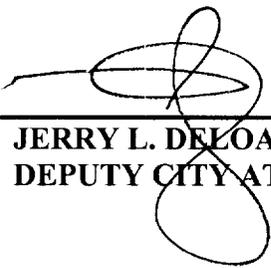
03-R-2206

CLAIM OF: CHARLENE JOYNER
3893 Basil Way, SW
Atlanta, Georgia 30331

For property damages alleged to have been sustained from flooding due to storm water overflow from a creek on May 20, 2003 at 3893 Basil Way, SW.

THIS ADVERSED REPORT IS APPROVED

BY:



JERRY L. DELOACH
DEPUTY CITY ATTORNEY

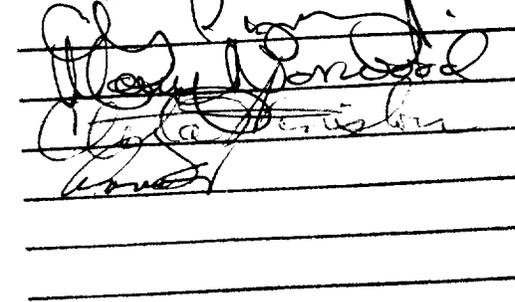

JAN 05 2004

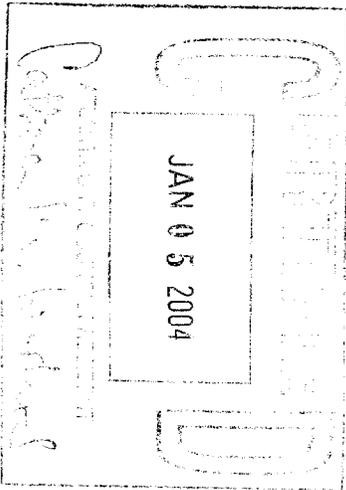
ADVERSE REPORT

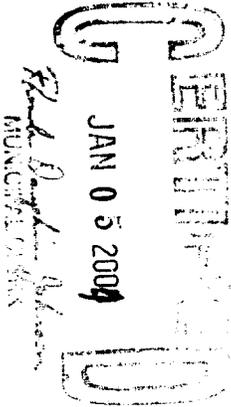
PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: _____

CHAIR: _____




JAN 05 2004


JAN 05 2004



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

January 14, 2004

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

Charlene Joyner
3893 Basil Way, SW
Atlanta, GA 30331

03-R-2206

Dear Ms. Joyner:

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 January 05, 2004. 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. 03L0552

Date: November 24, 2003

Claimant /Victim CHARLENE JOYNER
BY: (Atty) (Ins. Co.)
Address: 3893 Basil Way, SW, Atlanta, Georgia 30331
Subrogation: Claim for Property damage \$ unspecified Bodily Injury \$
Date of Notice: 6/17/03 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence May 20, 2002 Place: 3893 Basil Way, SW
Department WATERSHED MANAGEMENT Division Environmental Compliance
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that her home sustained water damages from storm water overflow from the creek bank that runs in the rear of her home. However, an investigation determined that the City does not have an easement on the property. Moreover, the City is not responsible for the maintenance of creeks and damages that result from creek overflow and erosion.

INVESTIGATION:

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

[Signature]
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2P01 2H01
Claims Manager: [Signature] Concur/date 11/25/03
Committee Action: Council Action

RCS# 5288
1/05/04
3:23 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG 1-9 EXCEPT;02-O-2087,
03-R-2173
ADOPT

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 6
EXCUSED: 0
ABSENT 0

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

CONSENT I

1-05-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-2225	32. 03-R-2192
2. 03-O-2161	33. 03-R-2193
3. 03-O-2221	34. 03-R-2194
4. 03-O-2175	35. 03-R-2195
5. 03-O-2229	36. 03-R-2196
6. 03-R-2171	37. 03-R-2197
7. 03-R-2214	38. 03-R-2198
8. 03-R-2215	39. 03-R-2199
9. 03-R-2233	40. 03-R-2200
10. 03-R-2219	41. 03-R-2201
11. 03-R-2172	42. 03-R-2202
12. 03-R-2174	43. 03-R-2203
13. 03-R-2176	44. 03-R-2204
14. 03-R-2246	45. 03-R-2205
15. 03-R-2247	46. 03-R-2206
16. 03-R-2248	47. 03-R-2207
17. 03-R-2226	48. 03-R-2208
18. 03-R-2232	49. 03-R-2209
19. 03-R-2237	50. 03-R-2210
20. 03-R-2178	
21. 03-R-2181	
22. 03-R-2182	
23. 03-R-2183	
24. 03-R-2184	
25. 03-R-2185	
26. 03-R-2186	
27. 03-R-2187	
28. 03-R-2188	
29. 03-R-2189	
30. 03-R-2190	
31. 03-R-2191	