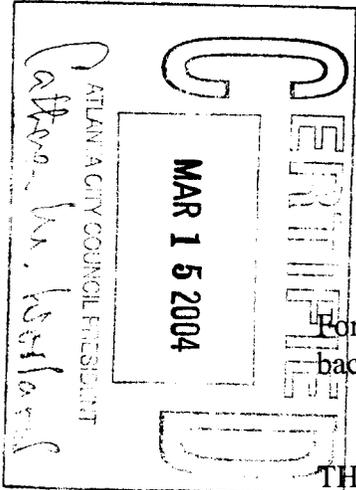


Entered - 11/01/02 - sb
CL02L0781 - DIANNE C. MITCHELL

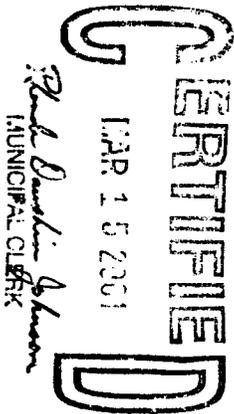
04- R-0414

CLAIM OF: **KING PLOW ARTS CENTER, LLC,**
through its attorney,
Timothy M. Curtin
2964 Peachtree Road, NW
Suite 200
Atlanta, Georgia 30305-2112



For damages alleged to have been sustained as a result of a sewer
back up on September 21, 2002 at 887 West Marietta Street.

THIS ADVERSED REPORT IS APPROVED



BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY



ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 3/9/04

CHAIR: _____

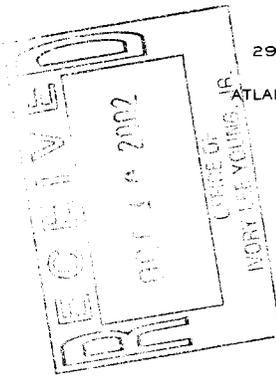
Carla Smith
Way Norwood

LAW OFFICES EMORY SCHWALL

ATTORNEYS AND COUNSELLORS AT LAW

EMORY A. SCHWALL
TIMOTHY M. CURTIN
TERESA L. FLANAGAN
ROBERT S. WAYNE, OF-COUNSEL

PRIORITY



Mitchell
10/30/02
2964 PEACHTREE ROAD, N.W.
SUITE 200
ATLANTA, GEORGIA 30305-2112
(404) 262-7760
TELEFAX: (404) 841-0900
E-MAIL: schwall@bellsouth.net

October 7, 2002

Mr. Ivory Young
Atlanta City Council
55 Trinity Avenue, Suite 2900
Atlanta, Georgia 30303

ENTERED - 11-1-02 - SB
02L0781 - DIANNE MITCHELL

Re: Our Client: King Plow Arts Center, LLC
Flood Damage Occurring at 887 West Marietta Street
Our File: "kpgen"

Dear Mr. Young:

This firm represents the King Plow Arts Center, LLC, which is the owner of approximately seven and one-half acres of commercial real estate located at 887 West Marietta Street, Atlanta, Georgia 30318. As you are likely aware, King Plow Arts Center, LLC is at the forefront of efforts to revitalize the West Marietta Street corridor and surrounding areas, and serves as landlord to numerous businesses located at the Arts Center.

The purpose of this letter is to advise you of the extensive flood damages suffered at the Arts Center which occurred as a result of the inclement weather experienced in Atlanta in connection with Hurricane Isadore on September 21, 2002, and to request your assistance to ensure that proper measures are taken in order to avoid another such incident.

The heavy rains experienced on September 21, 2002 quickly overwhelmed the sewer and drainage systems in and around West Marietta Street, causing extensive flooding at the Arts Center. Approximately 50,000 square feet of commercial space was flooded, with no unit having less than 1 to 2 inches of standing water. During the storms, representatives of the Arts Center discovered that the flooding was being caused by water backing up and running out of the sewers. Obviously, this points to a complete failure of the sewer and drainage systems.

As you can imagine, this extensive flooding caused significant damage to both the Arts Center and its tenants, in terms of both physical destruction and in lost time when the tenants had to close their businesses in order to tend to the flood damage.

We would appreciate your contacting us in order to set up a meeting with you and/or your representatives in order to discuss what action the City intends to take to ensure that this incident does not repeat itself, and to discuss whether the City or any other responsible party intends to provide assistance to the Arts Center and the tenants who were damaged as a result of the floods. We would gladly make ourselves available at any time convenient for you to discuss this very serious issue.

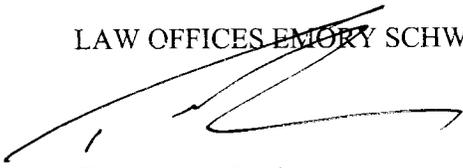
LAW OFFICES
EMORY SCHWALL

Mr. Ivory Young
Atlanta City Council
October 7, 2002
Page 2 of 2

We look forward to hearing from you.

Very truly yours,

LAW OFFICES EMORY SCHWALL



Timothy M. Curtin

TMC:G:\USERS\LTRSA\lala100702.ltr2:1-2

cc: Mr. King Shaw
King Plow Arts Center, L.L.C.
887 West Marietta Street, N.W.
Studio N 102
Atlanta, Georgia 30318

04- R -0414



OFFICE OF MUNICIPAL CLERK

March 26, 2004

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

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

Timothy M. Curtin
Attorney at Law
2964 Peachtree Rd., NW
Suite 200
Atlanta, GA 30305-2112

04-R-0414

RE: King Plow Arts Center, LLC

Dear Attorney Curtin:

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 March 15, 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