

Entered - 01/12/04 - sb
CL04L0001 - DIANNE C. MITCHELL

CLAIM OF: **CARLA A. WILLIAMS**
2173 Essex Avenue, SW
Atlanta, Georgia 30311-3319

04- R -0834

For damages alleged to have been sustained as a result of overflow from a storm drain between August and September, 2003 at 2173 Essex Avenue, SW.

THIS ADVERSED REPORT IS APPROVED

CERTIFIED
MAY 17 2004
R. DeLoach
MUNICIPAL CLERK

BY:


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

CERTIFIED
MAY 17 2004

COUNCIL PRESIDENT PRO TEM

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 5/11/04

CHAIR: *C. T. Martin*

Carla A. Williams

Carla A. Williams

ADVERSED

MAY 17 2004



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

May 24, 2004

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

Carla A. Williams
2173 Essex Ave., SW
Atlanta, GA 30311-3319

04-R-0834

Dear Ms. Williams:

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 May 17, 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. 04L0001

Date: April 29, 2004

Claimant /Victim CARLA A. WILLIAMS
BY: (Atty)(Ins. Co.)
Address: 2173 Essex Avenue, SW, Atlanta, Georgia 30311
Subrogation: Claim for Property damage \$ 215.00 Bodily Injury \$
Date of Notice: 01/05/04 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence August and September, 2003 Place: 2173 Essex Avenue, SW
Department Watershed Management Division Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that her property was damaged the overflow of a storm drain on her property. The investigation determined that the storm sewer drain that runs across the claimant's property was installed by a previous owner to cover an existing natural drainage ditch on the property. The improvement was made by the property owner solely for the benefit of the property and is not the responsibility of the City of Atlanta to maintain.

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,

[Handwritten Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01
Claims Manager: Concur/date
Committee Action: Council Action

RCS# 5712
5/17/04
2:10 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 1-13 EXCEPT:04-R-0876
04-R-0911 04-R-0835 04-R-0882
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 0
EXCUSED: 0
ABSENT 1

Y Smith
Y Starnes
Y Young

Y Winslow
Y Archibong
Y Fauver

Y Shook
Y Muller
Y Moore

Y Martin
B Maddox
Y Mitchell

Y Norwood
Y Willis

CONSENT I

ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT
<ol style="list-style-type: none"> 1. 04-O-0858 2. 04-O-0869 3. 04-O-0372 4. 04-O-0373 5. 04-O-0641 6. 04-O-0642 7. 04-O-0646 8. 04-O-0648 9. 04-O-0650 10. 04-O-0652 11. 04-O-0653 12. 04-O-0656 13. 04-O-0657 14. 04-O-0874 15. 04-O-0488 16. 04-O-0700 17. 04-O-0872 18. 04-O-0660 19. 04-O-0661 20. 04-O-0873 21. 03-R-2228 22. 04-R-0805 23. 04-R-0806 24. 04-R-0808 25. 04-R-0809 26. 04-R-0822 27. 04-R-0859 28. 04-R-0882 29. 04-R-0889 30. 04-R-0369 31. 04-R-0870 32. 04-R-0876 33. 04-R-0815 34. 04-R-0847 35. 04-R-0862 36. 04-R-0863 37. 04-R-0821 38. 04-R-0807 39. 04-R-0811 40. 04-R-0812 	<ol style="list-style-type: none"> 41. 04-R-0813 42. 04-R-0865 43. 04-R-0824 44. 04-R-0825 45. 04-R-0826 46. 04-R-0827 47. 04-R-0828 <p>ITEMS ADVERSED ON CONSENT</p> <ol style="list-style-type: none"> 48. 04-R-0829 49. 04-R-0830 50. 04-R-0831 51. 04-R-0832 52. 04-R-0833 53. 04-R-0834 54. 04-R-0836 55. 04-R-0837 56. 04-R-0838 57. 04-R-0839 58. 04-R-0840 59. 04-R-0841 60. 04-R-0842 61. 04-R-0843 62. 04-R-0844 63. 04-R-0845 64. 04-R-0846