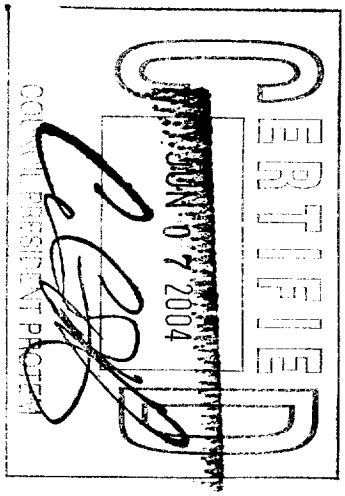
Entered 03-1-04 - sb
CL 04L0144 GWENDOLYN BURNS

04- R -0968

CERTIFIED
JUN 07 2004
COUNCIL PRESIDENT PROTEM

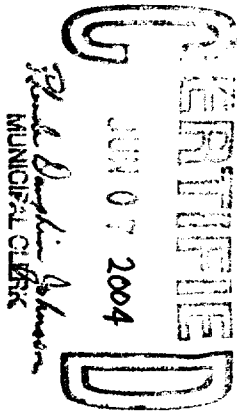


CLAIM OF: METLIFE AUTO & HOME
as subrogee of insured,
Cheryl D. Wilcox
P.O. Box 441-f021
Freeport, IL 61032

For property damage allegedly sustained from a sewer backup on March 1, 2003 at 2760 Laurens Circle, SW.

THIS ADVERSED REPORT IS APPROVED

CERTIFIED
JUN 07 2004
MUNICIPAL CLERK



BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT
PUBLIC SAFTEY &
LEGAL ADMINISTRATION COMMITTEE
DATE 6/1/04
CHAIR
C. T. Marlin
Carla Smith
Vincell Mosley
Cleta Winslow

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

June 11, 2004

Metlife Auto & Home
as subrogee of insured,
Cheryl D. Wilcox
Attn: Rachel Phillips
P.O. Box 441-f021
Freeport, IL 61032

04-R-0968

Dear Ms. Phillips:

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 June 07, 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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0144 Date: May 18, 2004

Claimant /Victim CHERYL D. WILCOX
BY: (Atty) (Ins. Co.) Metlife Auto & Home
Address: P. O. Box 441-f021, Freeport, Illinois 61032
Subrogation: X Claim for Property damage $ 5,541.79 Bodily Injury $ _____
Date of Notice: 2/17/04 Method: Written, Proper _____ Improper X
Conforms to Notice: O.C.G.A. §36-33-5 _____ Ante Litem (6 Mo.) _____
Date of Occurrence 3/1/03 Place: 2760 Laurens Circle, SW
Department WATERSHED MANAGEMENT Bureau: Sewer Services
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that she sustained damage to her from a sewer backup. However, the claim as presented fails to comply with the requirements of notice, O.C.G.A. §36-33-5, as the six month statue of limitations expired prior to receipt of this claim.

INVESTIGATION:

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

INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay $ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2P01 _____ 2H01 _____
Claims Manager: _____ Concur/date 05/19/04
Committee Action: _____ Council Action _____

RCS# 5776
6/07/04
2:34 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S)1-17, EXCEPT: 04-R-1017
04-O-0932 04-O-0933 04-R-0986
ADOPT

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

E Smith	Y Winslow	Y Shook	Y Martin	Y Mitchell
B Starnes	Y Archibong	Y Muller	Y Maddox	Y Norwood
Y Young	Y Fauver	Y Moore	Y Mosley	Y Willis

CONSENT I

		6-07-04 Council Meeting
ITEMS ADOPTED ON CONSENT	**ITEMS ADOPTED ON CONSENT**	**ITEMS ADVERSED ON CONSENT**
1. 04-O-0802	43. 04-R-1023	83. 04-R-0975
2. 04-O-0803	44. 04-R-1024	84. 04-R-0976
3. 04-O-0804	45. 04-R-1025	85. 04-R-0977
4. 04-O-0877	46. 04-R-0979	86. 04-R-0978
5. 04-O-0930	47. 04-R-0980	
6. 04-O-0924	48. 04-R-0981	
7. 04-O-0929	49. 04-R-0982	
8. 04-O-0787	50. 04-R-0983	
9. 04-O-0654	51. 04-R-0984	
10. 04-O-0655	52. 04-R-0985	
11. 04-O-0817	**ITEMS ADVERSED ON CONSENT**	
12. 04-O-0818	53. 04-R-0944	
13. 04-O-0819	54. 04-R-0945	
14. 04-O-0820	55. 04-R-0946	
15. 04-O-0939	56. 04-R-0947	
16. 04-R-1002	57. 04-R-0948	
17. 04-R-1003	58. 04-R-0949	
18. 04-R-1004	59. 04-R-0950	
19. 04-R-1005	60. 04-R-0951	
20. 04-R-1010	61. 04-R-0952	
21. 04-R-1011	62. 04-R-0953	
22. 04-R-1012	63. 04-R-0954	
23. 04-R-1015	**64.** 04-R-0955	
24. 04-R-0935	65. 04-R-0956	
25. 04-R-1008	66. 04-R-0957	
26. 04-R-1000	67. 04-R-0958	
27. 04-R-1001	68. 04-R-0959	
28. 04-R-0942	69. 04-R-0960	
29. 04-R-0927	70. 04-R-0962	
30. 04-R-0943	71. 04-R-0963	
31. 04-R-1019	72. 04-R-0964	
32. 04-R-0635	73. 04-R-0965	
33. 04-R-0989	74. 04-R-0966	
34. 04-R-0991	75. 04-R-0967	
35. 04-R-0993	76. 04-R-0968	
36. 04-R-0814	77. 04-R-0969	
37. 04-R-0926	78. 04-R-0970	
38. 04-R-0994	79. 04-R-0971	
39. 04-R-0995	80. 04-R-0972	
40. 04-R-0996	81. 04-R-0973	
41. 04-R-0997	82. 04-R-0974	
42. 04-R-0998		