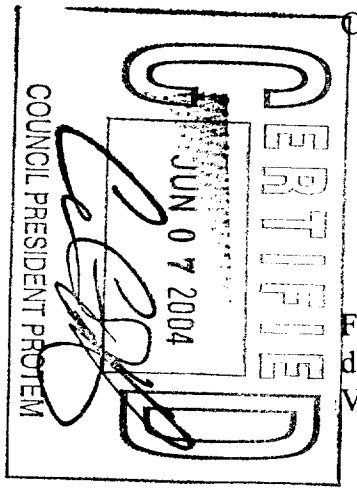
Entered - 04/14/04 - sb
CL04L0242 - DIANNE C. MITCHELL

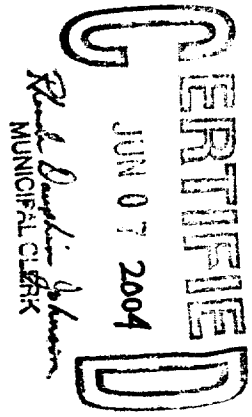
04- R -0975



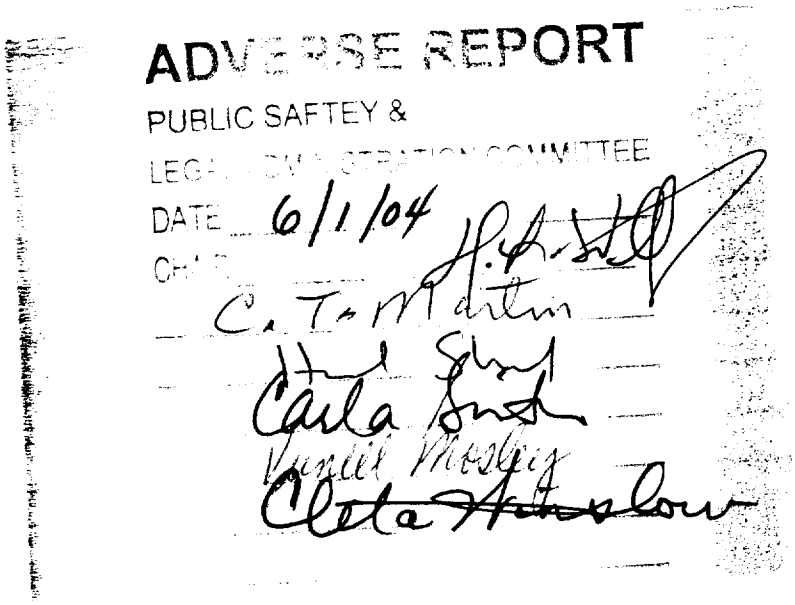
CLAIM OF: **RICHARD B. DOBBINS,**
through his insurance carrier,
The Travelers
P. O. Box 2954
Milwaukee, WI 53201-2954

For damages alleged to have been sustained as a result of property damage due to a ruptured water line on January 24, 2003 at 3146 Vinings Ridge Drive.

THIS ADVERSED REPORT IS APPROVED



BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

June 11, 2004

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

The Travelers
Insurance Carrier
Attn: Kimberly Yoap
P.O. Box 2954
Milwaukee, WI 53201

04-R-0975

RE: Richard B. Dobbins

Dear Ms. Yoap:

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 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. **04L0242** Date: May 14, 2004

Claimant /Victim **RICHARD B. DOBBINS**
BY: (Ins. Co.) The Travelers
Address: P. O. Box 2954, Milwaukee, WI 53201-2954
Subrogation: X Claim for Property damage $ **$25,389.39** Bodily Injury $ _____
Date of Notice: 04/14/04 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) _____
Date of Occurrence 01/24/03 Place: 3146 Vinings Ridge Drive
Department **Watershed Management** Bureau: Waste Water
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges his property was damaged due to ruptured water line. However the claim as presented 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 receipt of the claim.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X
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 - DIANNE C. MITCHELL

RECOMMENDATION:

Pay $ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____ 2P01 _____
Claims Manager: _____ Concur/date 05/18/04
Committee Action: _____ Council Action _____

FORM 23-61

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		