

Entered 8-15-02 sb
CL 02L0574 GWENDOLYN BURNS

CLAIM OF: ROBERT L. RICKS, MD
2094 Highview Road, SW
Atlanta, Georgia 30311

04- R-1173

For property damage allegedly sustained from the installation of a storm line in 1991 at 2094 Highview Road, SW.

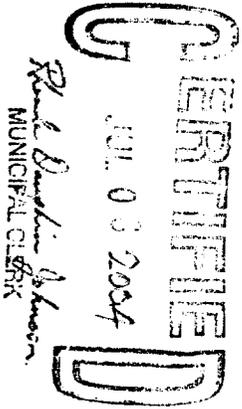
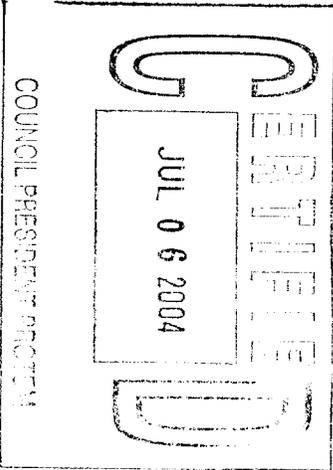
THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 6/29/04
CHAIR: H. L. Willy
Vernell Masley
Harold Woodward
C. T. Ward
Harold Smith
Carla Smith





OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

July 19, 2004

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

Robert L. Ricks, MD
2094 Highview Rd., SW
Atlanta, GA 30311

04-R-1173

Dear Mr. Ricks:

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 July 06, 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. 02L0574

Date: June 15, 2004

Claimant /Victim ROBERT L. RICKS, MD
BY: (Atty) (Ins. Co.)
Address: 2094 Highview Road, SW, Atlanta, Georgia 30311
Subrogation: Claim for Property damage \$ unspecified Bodily Injury \$
Date of Notice: 8/7/02 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 1991-present Place: 2094 Highview Road, SW
Department WATERSHED MANAGEMENT Bureau: Wastewater Treatment & Collection
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that the City installed a storm water line across his property which rendered his property useless. However, an investigation determined that the storm line in question was an existing private line that ran from the street through the claimant's yard to the creek in the rear of the property. The investigation further revealed that the private storm line had collapsed on the claimant's property causing the street to flood as well as the claimant's property. To remedy the public safety flooding issue as well as the claimant's issue, the City, by verbal agreement from the claimant, was granted a temporary right to access the claimant's property to repair the private line. As the property owner, the claimant still maintains ownership of the storm line as the City does not have a storm water easement on the property.

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 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,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2PO1 2J01 2H01
Claims Manager: Concur/date 06/16/04

7-06-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1036	34. 04-R-1163
2. 04-O-1037	35. 04-R-1164
3. 04-O-1038	36. 04-R-1165
4. 04-O-1039	37. 04-R-1166
5. 04-O-1040	38. 04-R-1167
6. 04-O-1041	39. 04-R-1168
7. 04-O-1042	40. 04-R-1169
8. 04-O-1196	41. 04-R-1170
9. 04-O-1013	42. 04-R-1171
10. 04-O-1014	43. 04-R-1173
11. 04-O-1050	44. 04-R-1174
12. 04-O-1054	45. 04-R-1175
13. 04-O-1055	46. 04-R-1176
14. 04-O-1058	47. 04-R-1177
15. 04-R-1152	48. 04-R-1179
16. 04-R-1153	49. 04-R-1180
17. 04-R-1158	50. 04-R-1181
18. 04-R-1193	51. 04-R-1182
19. 04-R-1155	52. 04-R-1183
20. 04-R-1149	53. 04-R-1184
21. 04-R-1150	54. 04-R-1185
22. 04-R-1033	55. 04-R-1186
23. 04-R-1146	
24. 04-R-1148	
25. 04-R-1159	
26. 04-R-1160	
27. 04-R-1161	
28. 04-R-1187	
29. 04-R-1188	
30. 04-R-1189	
31. 04-R-1190	
32. 04-R-1191	
33. 04-R-1192	