

Entered - 04/01/04 - sb
CL04L0209 - DIANNE C. MITCHELL

CLAIM OF: **PAT LATSON**
2439 Ozark Trail, SW
Atlanta, Georgia 30331

04- *R*-1183

For damages alleged to have been sustained as a result of a sewer
back up on March 9, 2004 at 2439 Ozark Trail, 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. F. [Signature]

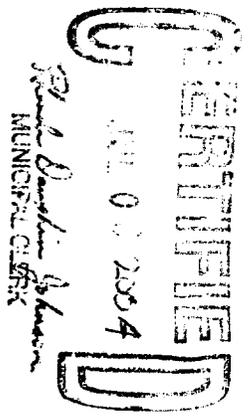
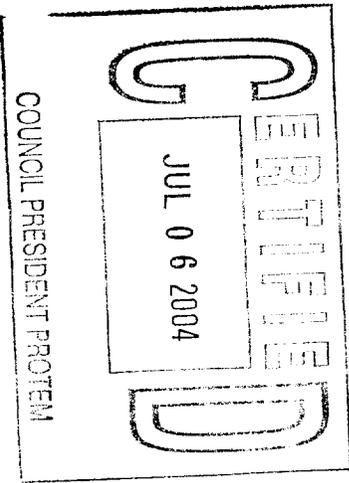
[Signature]

[Signature]

C.T. Mike

[Signature]

Carla [Signature]





OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

July 20, 2004

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

Pat Latson
2439 Ozark Trail, SW
Atlanta, GA 30331

04-R-1183

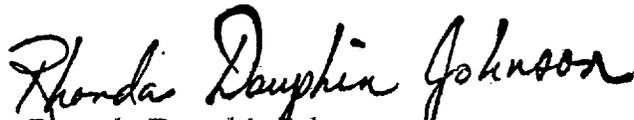
Dear Ms. Latson:

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. 04L0209

Date: June 15, 2004

Claimant /Victim PAT LATSON

BY: (Atty)(Ins. Co.) _____

Address: 2439 Ozark Trail, SW, Atlanta, Georgia 30331

Subrogation: _____ Claim for Property damage \$ 1,500.00 Bodily Injury \$ _____

Date of Notice: 03/31/04 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 03/09/04 Place: 2439 Ozark Trail, SW

Department Watershed Management Bureau: Waste Water

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that her property was damaged due to a sewer back up. The investigation determined that the blockage that caused the back up was due to roots in the claimant's service lateral. The maintenance of the service lateral is the responsibility of the homeowner, not the City.

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 _____

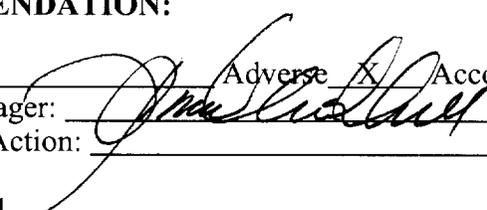
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____ 2P01 _____

Claims Manager:  Concur/date 06/16/04

Committee Action: _____ Council Action _____

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	