Entered - 03/28/03 - sb
CL03L0243 - DIANNE C. MITCHELL

CLAIM OF: **DEMETRIA PARKS,**
**through her attorney,**
**Sam Starks**
**Suite 510**
**3353 Peachtree Road, NE**
**Atlanta, Georgia 30326**

**04- R -0010**

JAN 20 2004

For damages alleged to have been sustained as a result of property damage due to flooding on September 21, 2002 at 83 Parsons Place.

THIS ADVERSED REPORT IS APPROVED

CERTIFIED
JAN 20 2004
MUNICIPAL CLERK

BY: _____
**JERRY L. DELOACH**
**DEPUTY CITY ATTORNEY**

ADVERSED
JAN 20 2004

# ADVERSE REPORT

PUBLIC SAFTEY &
LEGAL ADMINISTRATION COMMITTEE
DATE: _____
CHAIR: _____
C. T. Martin
Howard Shook
Carla Smith

# 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

January 26, 2004

Sam Starks
Attorney at Law
3353 Peachtree Rd., NE
Suite 510
Atlanta, GA 30326

**04-R-0010**

**RE:** Demetria Parks

Dear Attorney Starks:

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 January 20, 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. **03L0243** Date: December 30, 2003

Claimant /Victim **DEMETRIA PARKS**
BY: (Atty) Sam Stark
Address: Suite 510, 3353 Peachtree Road, NE, Atlanta, Georgia 30326
Subrogation: _____ Claim for Property damage $ **Not Stated** Bodily Injury $ _____
Date of Notice: 03/20/03 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 09/21/02 Place: 83 Parsons Place
Department **Watershed Management** Bureau: **Stormwater**
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges her property was damaged from flooding due to heavy rainfall. However, the City is immune from liability as set forth in O.C.G.A.§36-33-1.

**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 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 12/30/03
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 5345
1/20/04
1:36 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-7 EXCEPT: 03-O-1954
03-O-2109
ADOPT

| | |
|---|---|
| YEAS: | 12 |
| NAYS: | 0 |
| ABSTENTIONS: | 0 |
| NOT VOTING: | 1 |
| EXCUSED: | 0 |
| ABSENT | 3 |

| | | | |
|---|---|---|---|
| Y Smith | Y Archibong | Y Moore | Y Mitchell |
| Y Starnes | B Fauver | Y Martin | Y Norwood |
| Y Young | Y Shook | Y Maddox | Y Willis |
| B Winslow | Y Muller | B Boazman | NV Woolard |

CONSENT I

| | 1-20-4 Council Meeting |
|---|---|
| **ITEMS ADOPTED ON CONSENT** | **ITEMS ADVERSED ON CONSENT** |
| 1. 04-O-0050<br>2. 04-O-0042<br>3. 03-O-2170<br>4. 03-O-1185<br>5. 03-O-2179<br>6. 03-O-0318<br>7. 04-R-0046<br>8. 04-R-0054<br>9. 04-R-0063<br>10. 04-R-0064<br>11. 04-R-0065<br>12. 03-R-0034<br>13. 03-R-2216<br>14. 04-R-0036<br>15. 04-R-0038<br>16. 04-R-0001<br>17. 04-R-0002<br>18. 04-R-0003<br>19. 04-R-0004<br>20. 04-R-0005<br>21. 04-R-0006 | 22. 04-R-0007<br>23. 04-R-0008<br>24. 04-R-0009<br>25. 04-R-0010<br>26. 04-R-0011<br>27. 04-R-0012<br>28. 04-R-0013<br>29. 04-R-0014<br>30. 04-R-0015<br>31. 04-R-0016<br>32. 04-R-0017<br>33. 04-R-0018<br>34. 04-R-0019<br>35. 04-R-0020<br>**36.** 04-R-0021<br>37. 04-R-0022<br>38. 04-R-0023<br>39. 04-R-0024<br>40. 04-R-0025<br>41. 04-R-0026<br>42. 04-R-0027<br>43. 04-R-0028<br>44. 04-R-0029 |