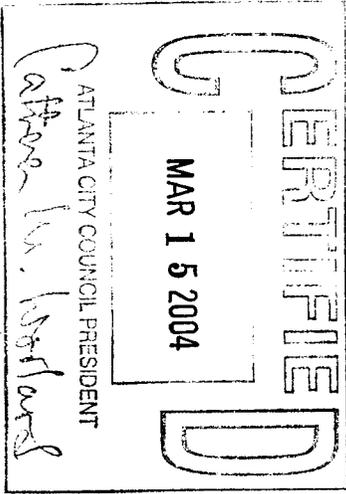


Entered 6-17-03 sb
CL 03L0506 GWENDOLYN BURNS

04-*R*-0407



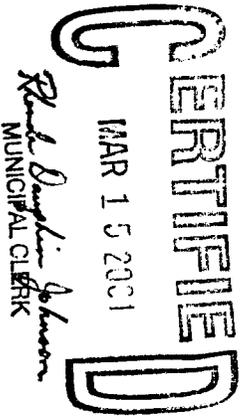
CLAIM OF: SHANNON BRADSHAW
410-A 7th Street, NE
Atlanta, Georgia 30308

For vehicular damages alleged to have been sustained from flooding due to storm sewer overflow on May 16, 2003 at 410 7th Street, NE.

THIS ADVERSED REPORT IS APPROVED

BY:

JERRY L. DELOACH
DEPUTY CITY ATTORNEY



ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 3/9/04

CHAIR:

[Signature]
Carla Smith
Hugh Smith
May Norwood



DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0506

Date: February 24, 2004

Claimant /Victim SHANNON BRADSHAW
BY: (Atty) (Ins. Co.)
Address: 410-A 7th Street, NE, Atlanta, Georgia 30308
Subrogation: Claim for Property damage \$ 300.00 Bodily Injury \$
Date of Notice: 6/9/03 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 5/16/03 Place: 410 A 7th Street, NE
Department WATERSHED MANAGEMENT Division Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that her vehicle was flooded due to a storm sewer overflow. However, an investigation determined that the storm sewers at the subject location are on a maintenance schedule for cleaning and the City was not on notice of a storm sewer problem at the subject location prior to the date of claimant's incident.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures X 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 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 2J01 2P01 2H01
Claims Manager: Concur/date 02/26/04
Committee Action: Council Action

FORM 23-61

From 3/22/04

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RECEIVED

RE: CLAIM FOR DAMAGES

JUN 09 2003

MUNICIPAL CLERK

Today's Date: MAY 30, 2003

ENTERED 6-17-03 - DP
03L0506 - GWEN BURNS

DWEN
BURNS
06/13/03
[Signature]

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 350.00 property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: MAY, 16, 2003 2. Time of Incident: 7 AM 3. Police called: Yes No

4. Location of incident (including street address): 410 A 7TH STREET ATLANTA, GA 30308

5. Name of your insurance company: PROGRESSIVE Policy No. 45149790-1

6. State what and how incident occurred: CITY SEWER SYSTEM OVERFLOWED DURING HEAVY RAINFALL AND FLOODED MY VEHICLE. THE INSURANCE ADJUSTER ADVISED THE WOULD NOT BE TOTALLED, BUT SHOULD BE CLEANED BY A PROFESSIONAL SERVICE.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: VOLKSWAGEN 1998 9274 AFD SHANNON BRADSHAW
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: MORGAN HARVEY 410 A 7TH STREET 404.815.1420
(Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and / or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

[Signature]
Signature of Claimant

SHANNON BRADSHAW
(Print Claimant's Name)
410 A 7TH STREET
(Address)
ATLANTA, GA 30308
(City, State and Zip Code)
404 401 0730 404.815.1420
(Work Number) (Home Number)

(4)240-2424

410 A 7th Street
Atlanta, GA. 30308
404-815-1620

May 30, 2003

Municipal Clerk
City Hall
55 Trinity Avenue, S.W.
Atlanta, GA 30335

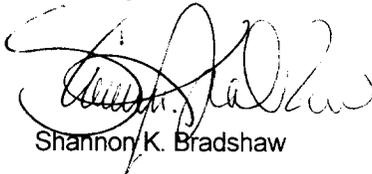
Dear Municipal Clerk,

Due to the city's lack of attention to drainage problems in the sewer systems, my car was one of many flooded in Midtown, Atlanta on May 16, 2003. Because I am aware of the danger of flooding where I live I carefully parked my car on an incline near my home. Unfortunately the sewer system became so overloaded the sewer water reached a level that affected my vehicle. After consulting with my insurance company, they advised that my car would not be totaled but strongly suggested I have the car completely detailed in the interior. Please see enclosed photos. The cleaning process, which involved draining my car, removing my seats and carpeting, and finally steam cleaning all carpet and upholstery was completed at Cactus Car Wash on Ponce De Leon Ave on May 21, 2003. The work involved in the detailing is noted in the enclosed estimate from Progressive.

While at the Car Wash, my insurance adjuster examined the vehicle and confirmed the car was still in driving condition. Please note enclosed estimate from Progressive. Unfortunately the amount of the cleaning did not reach my comprehensive deductible of \$1000 and the \$350 for the cleaning had to be paid out of my own pocket. I feel this amount is reasonable compensation to request from the city and I would appreciate your prompt attention to my case.

Please review the enclosed photos, estimate, and receipt from Cactus Car Wash as evidence of my claim. Feel free to call me at the number above with any additional questions you may have.

Sincerely,



Shannon K. Bradshaw

04- R -0407



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

March 26, 2004

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

Shannon Bradshaw
110-A 7th Street, NE
Atlanta, GA 30308

04-R-0407

Dear Ms. Bradshaw:

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 March 15, 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