

## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

April 29, 2004

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

Mary H. Price  
1695 Fairburn Rd., SW  
Atlanta, GA 30331

04-R-0577

Dear Ms. Price:

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 April 19, 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. 02L0418

Date: March 16, 2004

Claimant /Victim MARY H. PRICE
BY: (Atty) (Ins. Co.)
Address: 1695 Fairburn Road, SW, Atlanta, Georgia 30331
Subrogation: Claim for Property damage \$ 21,600.00 Bodily Injury \$
Date of Notice: 6/6/02 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence continuous Place: 1695 Fairburn Road, SW
Department WATERSHED MANAGEMENT Division Storm Water Compliance
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that her home sustained water damages from storm water overflow from the drainage system that runs along the side of her home. However, an investigation determined that the City does not have an easement on the property. Although the City performed storm water improvements to the drainage system in August 2000, the City does not assume any responsibility for maintaining and upgrading drainage structures that are located on private 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 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 03/17/04
Committee Action: Council Action

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

RE: CLAIM FOR DAMAGES

BURNS  
06/06/02  
D

Today's Date: 5-31-2002

ENTERED - 6-13-02 - SB  
02L0418 - GWEN BURNS

Dear Municipal Clerk:

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

1. Date of incident: \_\_\_\_\_ 2. Time of Incident: \_\_\_\_\_ 3. Police called: \_\_\_\_\_  
(month/day/year) Yes No

4. Location of incident (including street address): 1695 Fairburn Rd S.W Atlanta, GA 30331

5. Name of your insurance company: Millers American Group Policy No. 0124 GA 003633

6. State what and how incident occurred: See Attach Copy

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: \_\_\_\_\_  
(Make) (Year) (Tag Number) (Driver's Name)

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

9. Witness: \_\_\_\_\_  
(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 of Claimant: Mark H Price

MARK H PRICE  
(Print Claimant's Name)

1695 Fairburn Rd S.W  
(Address)

Atlanta, GA 30331  
(City, State and Zip Code)

404 349-3075  
(Work Number) (Home Number)

The City Of Atlanta has a drainage water line which runs from the city street onto my property. The drain water from this line brings water, debris and dead animals from the street onto my property. This has caused erosion of the foundation of my home, and flooding of my basement. The bricks of my home are cracking and the wood surfaces of my basement have deteriorated.

5/31/2002

MARY PRICE

04- R -0577

Entered - 06-13-02 - sb  
CL 02L0418 - GWENDOLYN BURNS

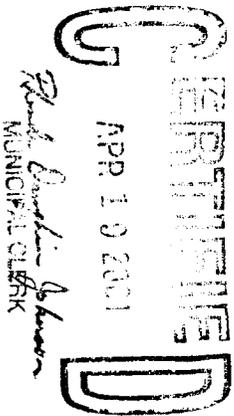
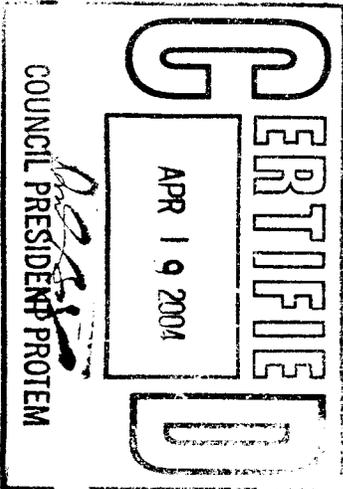
CLAIM OF: MARY H. PRICE  
1695 Fairburn Road, SW  
Atlanta, Georgia 30331

04-*R*-0577

For property damages alleged to have been sustained from continuous storm water overflow from a storm drainage system at 1695 Fairburn Road, SW.

THIS ADVERSED REPORT IS APPROVED

BY: \_\_\_\_\_  
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY



### ADVERSE REPORT

PUBLIC SAFTEY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 3/30/04

CHAIR: [Signature]

[Signature]  
[Signature]  
[Signature]

[Signature]

APR 19 2004