



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

Imogene Hall
2383 Springdale Cir., SW
Atlanta, GA 30315

04-R-0578

Dear Ms. Hall:

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

RCS# 5585
4/19/04
3:03 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 1-18, EXCEPT:04-R-0538
04-O-0487 04-R-0473
ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

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

CONSENT I

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0429

Date: March 16, 2003

Claimant /Victim IMOGENE HALL

BY: (Atty) (Ins. Co.)

Address: 2383 Springdale Circle, SW, Atlanta, Georgia 30315

Subrogation: Claim for Property damage \$ 109,900.00 Bodily Injury \$

Date of Notice: 5/30/03 Method: Written, Proper X Improper

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

Date of Occurrence 5/6/03 Place: 2383 Springdale Circle, 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 behind 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 2002, the City does not assume any responsibility for maintaining and upgrading natural channels such as creeks or 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 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 2J01 2P01 2H01

Claims Manager: Concur/date 03/17/04

Committee Action: Council Action

RECEIVED MAY 30 2003

met
BURNS
26/03/03
B

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

RE: CLAIM FOR DAMAGES

Today's Date: 5/29/03

ENTERED - 6/6/03 - DP
03L0429 - GWEN BURNS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 109,900.00 property and/or \$ 0.00 bodily injury for which I contend the City is liable.

1. Date of incident: 5/6/03 (month/day/year) 2. Time of Incident: 12:00AM 3. Police called: Yes No

4. Location of incident (including street address): 2383 Springdale Cir. SW Atlanta, GA 30315-6109

5. Name of your insurance company: Safeco Policy No. 051248549

6. State what and how incident occurred: Approximately six feet (6ft) of water was in my basement caused by severe flooding on May 6, 2003. Even with the work done by the City of Atlanta for Infrastructure Improvement in 2002, the drainage problem continues.

Based on an evaluation of the damages by an electrical company, it was determined that the house should have blown up.

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 vehicle registration).

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 acknowledgment 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. Claims must be received within 6 months of the event.

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

Imogene Hall
Signature of Claimant

Imogene Hall
(Print Claimant's Name)

2383 Springdale Cir. S.W.
(Address)

Atlanta, GA 30315-6109
(City, State and Zip Code)

404-758-6691 404-559-0420
(Work Number) (Home Number)

04-R-0578

Entered - 06-06-03 - sb
CL 03L0429 - GWENDOLYN BURNS

CLAIM OF: IMOGENE HALL
2383 Springdale Circle, SW
Atlanta, Georgia 30315

04-*R*-0578

For property damages alleged to have been sustained from flooding due to storm water overflow on May 6, 2003 at 2383 Springdale Circle, SW.

CERTIFIED
APR 19 2004
MUNICIPAL PRESIDENT PROTEMA
Protema

THIS ADVERSED REPORT IS APPROVED

BY: *[Signature]*
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

CERTIFIED
APR 19 2004
MUNICIPAL CLERK
Jerry L. DeLoach

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 3/30/04

CHAIR: *[Signature]*

[Signature]
[Signature]
[Signature]

[Signature]

ADVERSED

APR 19 2004