

Entered 8-21-03 - sb  
CL 03L0708 GWENDOLYN BURNS

04- R -0013

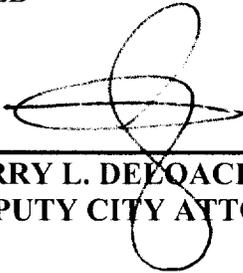
**CLAIM OF: MONTE HEWETT HOMES, L.L.C.**  
through its attorney,  
**Duane D. Pritchett, Esq.**  
**Wilson, Brock & Irby, L.L.C.**  
Overlook I, Suite 700  
2849 Paces Ferry Road  
Atlanta, Georgia 30339

JAN 20 2004

For property damages alleged to have been sustained from storm water overflow caused by an inadequate drainage system in July 2003 on Ivy Knoll Road.

**CERTIFIED**  
JAN 20 2004  
*Rochelle Douglas Johnson*  
MUNICIPAL CLERK

THIS ADVERSED REPORT IS APPROVED

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

JAN 20 2004

# ADVERSE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: \_\_\_\_\_

CHAIR: *J. S. [Signature]*

*C. T. [Signature]*

*Hand [Signature]*

*Carla [Signature]*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

January 26, 2004

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

Duane D. Pritchett, Esq.  
Wilson, Brock & Irby, L.L.C.  
2849 Paces Ferry Road  
Overlook I, Suite 700  
Atlanta, GA 30339

04-R-0013

RE: Monte Hewett Homes, L.L.C.

Dear Attorney Pritchett:

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, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0708

Date: December 30, 2003

Claimant /Victim MONTE HEWETT HOMES, LLC
BY: (Atty) (Ins. Co.) Duane D. Pritchett, Esq., WILSON, BROCK & IRBY, L.L.C.
Address: Overlook 1, Suite 700, 2849 Paces Ferry Road, Atlanta, Georgia 30339
Subrogation: Claim for Property damage \$ 14,840.00 Bodily Injury \$
Date of Notice: 8/21/03 Method: Written, Proper Improper X
Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)
Date of Occurrence 06/03 Place: Ivy Knoll Road
Department PUBLIC WORKS Division Street Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that it sustained damages when the City failed to maintain its storm drainage system by allowing storm water to drain onto its property from the adjoining property of Sarah Smith Elementary School. However, Sarah Smith Elementary School is under the jurisdiction and authority of Atlanta Public School System and is considered a separate legal entity from the City of Atlanta. Notwithstanding this fact, an investigation determined that the City does not have an easement on the property and is not responsible for the storm drainage run-off from the property. It further determined that the School is on notice of the problem and has initiated a rehabilitation project to resolve the issues of this claim.

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 Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved X Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces X
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 12/30/03
Committee Action: Council Action

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

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