

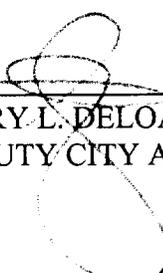
Entered - 06/03/03 - sb
CL - 03L0539 LISA CARTER

CLAIM OF: ALAN B. PATRICIO
1860 Flagler Avenue
Atlanta, Georgia 30309

04-R-0022

For damages alleged to have been sustained as a result of a sewer
back up on March 17, 2003 at 1860 Flagler Avenue.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

JAN 20 2004

CERTIFIED
JAN 20 2004
Rita D. Simpson
MUNICIPAL CLERK

JAN 20 2004

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 1/13/04

CHAIR: *[Signature]*

C. T. Martin

Harold Shook

Carla Smith



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

January 28, 2004

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

Alan B. Patricio
1860 Flagler Ave.
Atlanta, GA 30309

04-R-0022

Dear Mr. Patricio:

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 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. 03L00539

Date: January 2, 2004

Claimant /Victim ALAN B. PATRICIO
BY: (Atty) (Ins. Co.)
Address: 1860 Flagler Avenue Atlanta, Georgia 30309
Subrogation: Claim for Property damage \$ 42,508.98 Bodily Injury \$
Date of Notice: 06/24/03 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 03/17/03 Place: 1860 Flager Avenue
Department Watershed Management Bureau: Division: Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that he sustained damages as a result a sewer back up at 1860 Flagler Avenue. However, the city was not on notice of the existence of the problem prior to the incident involving the claimant. Furthermore, 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 X Diagrams Reports: Police Dept Report X 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,

Lisa Carter
INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 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

1-20-4 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
<ol style="list-style-type: none"> 1. 04-O-0050 2. 04-O-0042 3. 03-O-2170 4. 03-O-1185 5. 03-O-2179 6. 03-O-0318 7. 04-R-0046 8. 04-R-0054 9. 04-R-0063 10. 04-R-0064 11. 04-R-0065 12. 03-R-0034 13. 03-R-2216 14. 04-R-0036 15. 04-R-0038 16. 04-R-0001 17. 04-R-0002 18. 04-R-0003 19. 04-R-0004 20. 04-R-0005 21. 04-R-0006 	<ol style="list-style-type: none"> 22. 04-R-0007 23. 04-R-0008 24. 04-R-0009 25. 04-R-0010 26. 04-R-0011 27. 04-R-0012 28. 04-R-0013 29. 04-R-0014 30. 04-R-0015 31. 04-R-0016 32. 04-R-0017 33. 04-R-0018 34. 04-R-0019 35. 04-R-0020 36. 04-R-0021 37. 04-R-0022 38. 04-R-0023 39. 04-R-0024 40. 04-R-0025 41. 04-R-0026 42. 04-R-0027 43. 04-R-0028 44. 04-R-0029