

Entered 12-9-03 - sb  
CL 03L0953 GWENDOLYN BURNS

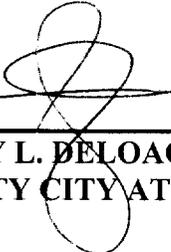
04-R-0115

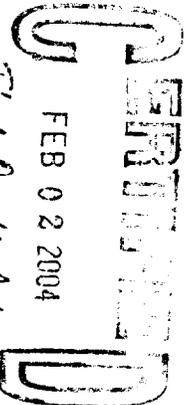
CLAIM OF: EDWARD MAHAN ARCHER, JR.  
944 Austin Avenue, NE  
Atlanta, Georgia 30307

For vehicular damage allegedly sustained from  
flooding due to storm sewer overflow on May 16,  
2003 at 944 Austin Avenue, NE.

FEB 02 2004

THIS ADVERSED REPORT IS  
APPROVED

BY:   
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

  
FEB 02 2004  
Municipal Clerk  
*Ed DeLoach*

*HR*  
*UN* FAVORABLE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE 1/27/04

CHAIR *Alpha*

*Way*

*John*

*Calla*



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

February 9, 2004

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

Edward Mahan Archer, Jr.  
944 Austin Ave., NE  
Atlanta, GA 30307

04-R-0115

Dear Mr. Archer:

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 February 02, 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. 03L0953

Date: January 13, 2004

Claimant /Victim EDWARD MAHAN ARCHER, JR.
BY: (Atty) (Ins. Co.)
Address: 944 Austin Avenue, NE, Atlanta, Georgia 30307
Subrogation: Claim for Property damage \$ Bodily Injury \$
Date of Notice: 11/17/03 Method: Written, Proper Improper X
Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)
Date of Occurrence 5/16/03 Place: 944 Austin Avenue, NE
Department WATERSHED MANAGEMENT Bureau: Storm Water Compliance
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that he sustained vehicular damage when his automobile was flooded due to a storm sewer overflow. However, the claim fails to meet the requirements of notice as set forth in O.C.G.A. §36-33-5 as the statute of limitation expired before receipt of the claim.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral X
Pictures Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice X More than Six Months X 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 2PO1 2J01 2H01
Claims Manager: Concur/date
Committee Action: Council Action



2-02-4 Council Meeting	
<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADOPTED ON CONSENT</b>
1. 04-O-0033	41. 04-R-0088
2. 04-O-0037	42. 04-R-0089
3. 04-O-0151	43. 04-R-0090
4. 04-O-0159	44. 04-R-0091
5. 04-O-0153	45. 04-R-0092
6. 04-R-0176	46. 04-R-0093
7. 04-R-0133	47. 04-R-0094
8. 04-R-0178	<b>ITEMS ADVERSED ON CONSENT</b>
9. 04-R-2123	48. 04-R-0096
10. 04-R-0135	49. 04-R-0097
11. 04-R-0136	50. 04-R-0098
12. 04-R-0137	51. 04-R-0099
13. 04-R-0138	52. 04-R-0100
14. 04-R-0139	53. 04-R-0101
15. 04-R-0145	54. 04-R-0102
16. 04-R-0146	<b>55.</b> 04-R-0103
17. 04-R-0147	56. 04-R-0104
18. 04-R-0148	57. 04-R-0105
19. 04-R-0149	58. 04-R-0106
20. 04-R-0150	59. 04-R-0107
21. 04-R-0154	60. 04-R-0108
22. 04-R-0160	61. 04-R-0109
23. 04-R-0161	62. 04-R-0110
24. 04-R-0162	63. 04-R-0111
25. 04-R-0164	64. 04-R-0112
26. 04-R-0184	65. 04-R-0113
27. 04-R-0140	66. 04-R-0114
28. 04-R-0170	67. 04-R-0115
29. 04-R-0076	68. 04-R-0116
30. 04-R-0077	69. 04-R-0117
31. 04-R-0078	70. 04-R-0118
32. 04-R-0079	71. 04-R-0119
33. 04-R-0080	72. 04-R-0120
34. 04-R-0081	73. 04-R-0121
35. 04-R-0082	74. 04-R-0122
36. 04-R-0083	75. 04-R-0123
37. 04-R-0084	76. 04-R-0124
38. 04-R-0085	
39. 04-R-0086	
40. 04-R-0087	