Entered 10-18-02 sb
CL 02L0742 GWENDOLYN BURNS

MAR 0 1 2004

CLAIM OF: JOHN EPPS
49 Spring Lane, SW
Atlanta, Georgia 30314

04-R-0286

For property damages alleged to have been sustained from flooding due to storm water overflow from a creek on October 7, 2002 at 49 Spring Lane, NW.

THIS ADVERSED REPORT IS APPROVED

CERTIFIED
MAR 0 1 2004
MUNICIPAL CLERK

BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSED
MAR 0 1 2004

ADVERSE REPORT

PUBLIC SAFTEY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 2/24/04
CHAIR: [signature]
Hurd Shaw
C. T. Martin
Carla Smith

OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

March 5, 2004

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

John Epps
49 Spring Lane, SW
Atlanta, GA 30314

04-R-0286

Dear Mr. Epps:

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 March 01, 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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0742 Date: February 10, 2004

Claimant /Victim **JOHN E. EPPS**
BY: (Atty) (Ins. Co.) _____
Address: 49 Spring Lane, NW, Atlanta, Georgia 30314
Subrogation: _____ Claim for Property damage $ 5,000.00 Bodily Injury $ _____
Date of Notice: 10/14/02 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 10/7/02 Place: 49 Spring Lane, NW
Department WATERSHED MANAGEMENT Division Sewer Operations
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that his fence sustained damage from storm water overflow from the creek bank that runs in front of his home. However, an investigation determined that the City does not have an easement on his property. Moreover, the City is not responsible for the maintenance of creeks and damages that result from the creek overflow and erosion.

INVESTIGATION:

Statements: City employee X Claimant _____ Others _____ Written _____ Oral X
Pictures _____ 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,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:
Pay $ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2P01 _____ 2H01 _____
Claims Manager: _____ Concur/date 02/12/04
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 5475
3/01/04
3:54 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I , EXCEPT: 04-O-0328,04-O-0047
04-O-0221,04-R-0309,04-O-0324,04-O-0216
ADOPT

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

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

	3-01-04 Council Meeting
ITEMS ADOPTED ON CONSENT	**ITEMS ADOPTED ON CONSENT**
1. 04-O-0324 2. 04-O-0328 3. 04-O-0332 4. 04-O-0337 5. 04-O-0338 6. 04-O-0339 7. 04-O-0155 8. 04-O-0047 9. 04-O-0221 10. 04-O-0251 11. 04-R-0039 12. 04-R-0305 13. 04-R-0306 14. 04-R-0307 15. 04-R-0308 16. 04-R-0353 17. 04-R-0298 18. 04-R-0301 19. 04-R-0313 20. 04-R-0344 21. 04-R-0345 22. 04-R-0366 23. 04-R-0248 24. 04-R-0297 25. 04-R-0325 26. 04-R-0326 27. 04-R-0336 28. 04-R-0343 29. 04-R-0355 30. 04-R-0299 31. 04-R-0316 32. 04-R-0062 33. 04-R-0302 34. 04-R-0303 35. 04-R-0304 36. 04-R-0309 37. 04-R-0354 38. 04-R-0275 39. 04-R-0276 40. 04-R-0277	41. 04-R-0278 42. 04-R-0279 43. 04-R-0280 **ITEMS ADVERSED ON CONSENT** 44. 04-R-0281 45. 04-R-0282 46. 04-R-0283 47. 04-R-0284 48. 04-R-0285 49. 04-R-0286 50. 04-R-0287 51. 04-R-0288 52. 04-R-0289 53. 04-R-0290 54. 04-R-0291 **55.** 04-R-0292 56. 04-R-0293 57. 04-R-0294 58. 04-R-0295 59. 04-R-0296