

OFFICE OF MUNICIPAL CLERK

April 29, 2004

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

Duane D. Pritchett
Attorney at Law
Overlook I, Suite 700
2849 Paces Ferry Road
Atlanta, GA 30339

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

04-R-0596

RE: Paragon Development Group, 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 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

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0954

Date: March 19, 2004

Claimant /Victim PARAGON DEVELOPMENT GROUP, LLC
BY: (Atty) (Ins. Co.) Duane D. Pritchett, Esq., WILSON BROCK & IRBY, L.L.C.
Address: Overlook I, Suite 700, 2849 Paces Ferry Road, Atlanta, Georgia 30339
Subrogation: Claim for Property damage \$ 150,000.00 Bodily Injury \$
Date of Notice: 12/2/03 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/8/03 and 11/10/10 Place: 1406 Fairburn Road
Department WATERSHED MANAGEMENT Bureau: Drinking Water
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that its undeveloped property sustained damages when several hundred gallons of water flowed unobstructed across the property causing flooding and siltation problems. However, the claimant has filed a lawsuit to settle the issues of this claim.

INVESTIGATION:

Statements: City employee X 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 Ministerial X
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 23/18/04
Committee Action: Council Action

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WILSON BROCK & IRBY, L.L.C.

ATTORNEYS AT LAW

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2849 PACES FERRY ROAD
ATLANTA, GEORGIA 30339

DUANE D. PRITCHETT

DPRITCHETT@WBILEGAL.COM
DIRECT DIAL: (770) 803-3741

TELEPHONE
(404) 853-5050

FACSIMILE
(404) 853-1812

November 26, 2003

ENTERED - 12-9-03 - SB
03L0954 - GWEN BURNS

RECEIVED

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Linda K. Disantis, Esq.
City of Atlanta Department of Law
Suite 4100
68 Mitchell Street, S.W.
Atlanta, Georgia 30303-3520

DEC 02 2003 RT
CITY OF ATLANTA LAW DEPT.

Re: 1406 Fairburn Road, Atlanta, Georgia
Tax I.D. Nos. 14-028-LL-026-9, 14FF-0009-094-0 and 14FF-0009-095-7
Land Lots 9 and 248, District 14 and 14FF

Dear Linda:

This letter is written on behalf of Paragon Development Group, LLC, owners of the above-referenced property, in order to satisfy the requirements of O.C.G.A. § 36-33-5.

The injury to the above-referenced property consists of extensive water damage and siltation that occurred on two occasions, Saturday, November 8 and Monday, November 10, 2003. The damage was caused when employees of the City of Atlanta Water Department, during a sewage cleanup operation, caused several hundred thousand gallons of water to flow unobstructed across our client's property, which in turn caused flooding and extensive siltation damage. Our client immediately notified the Water Department after the first instance of flooding on November 8th, yet the flooding occurred again on Monday, November 15th. Our client estimates that the damage and cleanup costs combined could exceed \$150,000.

|
WILSON BROCK & IRBY, L.L.C.

Linda K. Disantis, Esq.

November 25, 2003

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Our client is hopeful that we can settle this claim without resorting to litigation; however, it stands ready to proceed should the City fail to act within thirty days from the receipt of this correspondence.

Sincerely,

WILSON BROCK & IRBY, L.L.C.



Duane D. Pritchett

DDP/rdk

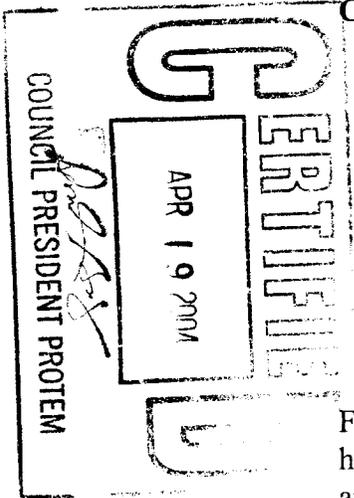
cc: Mr. Patrick Leonard

Entered -12-9-03 - sb
CL 03L0954 - GWENDOLYN BURNS

CLAIM OF: PARAGON DEVELOPMENT

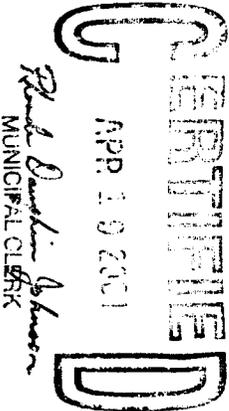
GROUP, L.L.C.
through its attorney,
Duane D. Pritchett, Esq.
WILSON, BROCK, IRBY, L.L.C.
Overlook I, Suite 700
2849 Paces Ferry Road
Atlanta, Georgia 30339

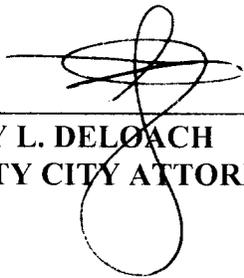
04-*R*-0596



For damages alleged to have been sustained when several hundred gallons of water flowed over a property causing flooding and siltation on November 8, 10, 2003 at 1406 Fairburn Road.

THIS ADVERSED REPORT IS APPROVED



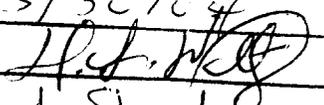
BY: 

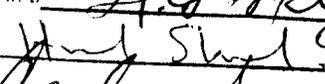
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

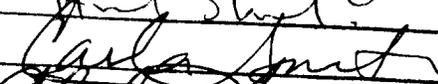
ADVERSE REPORT

PUBLIC SAFTEY &
LEGAL ADMINISTRATION COMMITTEE

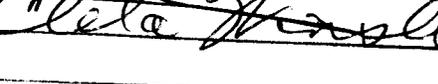
DATE: 3/30/04

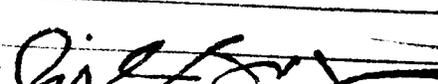
CHAIR: 











APR 19 2004