

Entered - 04/04/03 - sb
CL03L0251 - DIANNE C. MITCHELL

05-*R*-0425

CLAIM OF: **COLLETTE WARD**
584 Rock Street, NW
Atlanta, Georgia 30314

For damages alleged to have been sustained as a result of property damage due to flooding on September 21, 2002 at 584 Rock Street, NW.

THIS ADVERSED REPORT IS APPROVED

BY: _____

Jerry L. DeLoach
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 3/15/05

CHAIR: *Clara Amador*

Way Norwood

Pat Spivey

Carla Smith

ADVERSE REPORT
CITY COMMISSIONER
MARCH 21 2005

ADVERSE REPORT
MARCH 21 2005
MUNICIPAL CLERK



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

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

March 24, 2005

Collette Ward
584 Rock Street, NW
Atlanta, GA 30314

05-R-0425

Dear Ms. Ward:

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 21, 2005. 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.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0251

Date: February 28, 2005

Claimant /Victim COLETTE WARD

BY: (Atty)

Address: 584 Rock Street, NW, Atlanta, Georgia 30314

Subrogation: Claim for Property damage \$ 25,000.00 Bodily Injury \$

Date of Notice: 03/25/03 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 09/21/02 Place: 584 Rock Street, NW

Department Planning & Neighborhood Development Division:

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges her property was damaged due to flooding. The investigation determined that the flooding was due to a severe rain event, for which the City is not liable. However, the claimant's property did qualify to be purchased by the City as a part of a Rock and Vine Streets sewer project. The City purchased the property from the claimant on February 20, 2004.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

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 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,

[Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01

Claims Manager: [Signature] Concur/date 03/03/05

Committee Action: Council Action

RCS# 6559
3/21/05
2:26 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG 4-16 EXCEPT
05-R-0499 04-O-2111
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	B Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	B Sheperd	NV Borders

CONSENT I