Entered – 03/26/03 – sb
CL03L0223 - DIANNE C. MITCHELL

05-R-0427

CLAIM OF: **VESTOR ANTHONY**
614 Tyler 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 614 Tyler Street, NW.

THIS ADVERSED REPORT IS APPROVED

BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFTEY &
LEGAL ADMINISTRATION COMMITTEE
DATE: 3/15/05
CHAIR: _____
_____
Mary Norwood
_____
_____
Carla Smith
_____
_____

ADVERTISED BY CITY COUNCIL MAR 21 2005
MAR 21 2005

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

Vestor Anthony
614 Tyler St., NW
Atlanta, GA 30314

05-R-0427

Dear Mr. Anthony:

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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. **03L0223** Date: February 28, 2005

Claimant /Victim **VESTOR ANTHONY**
BY: (Atty)
Address: 614 Tyler Street, NW, Atlanta, Georgia 30314
Subrogation: _____ Claim for Property damage $ **175,000.00** Bodily Injury $ _____
Date of Notice: 03/20/03 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: 614 Tyler Street, NW
Department **Planning & Neighborhood Development** Division: _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges his 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 August 13, 2003.

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,

INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay $ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____ 2P01 _____
Claims Manager: _____ Concur/date 03/03/05
Committee Action: _____ Council Action _____

FORM 23-61

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