

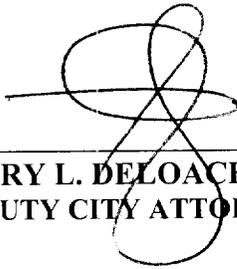
Entered - 12/17/04 - sb
CL04L0869 - DIANNE C. MITCHELL

05 -R- 0806

CLAIM OF: **KATRINA V. MABON,**
through her insurance carrier,
USAA
P. O. Box 33490
San Antonio, Texas 78265-3490

For damages alleged to have been sustained as a result of
the construction of the Nancy Creek Sewer Tunnel on
January 23, 2004 at 4184 Roswell Road.

THIS ADVERSED REPORT IS APPROVED



BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 5/10/05

CHAIR: Cela Fisher

Cela Fisher

Way Norwood

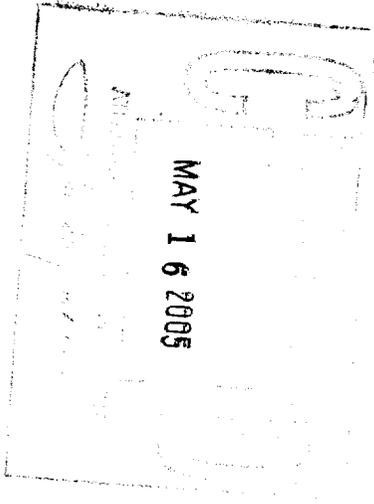
C. T. M. M. M.

James Sheperd

H. S. S.

ADVERSED BY
CITY COUNCIL

MAY 16 2005





OFFICE OF MUNICIPAL CLERK

HONDA 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

May 24, 2005

USAA
Insurance Carrier
Attn: Robert P. Cotter, Jr
P.O. Box 33490
San Antonio, Texas 78265-3490

05-R-0806

RE: Katrina V. Mabon

Dear Mr. Cotter:

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 May 16, 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.**

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0869

Date: April 18, 2005

Claimant /Victim KATRINA V. MABON
BY:(Ins. Co.) USAA
Address: P. O. Box 33490, San Antonio, Texas 78265-3490
Subrogation: Claim for Property damage \$ 4,350.32 Bodily Injury \$ _____
Date of Notice: 12/14/04 Method: Written, proper Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)
Date of Occurrence 01/23/04 Place: 4184 Roswell Road
Department Watershed Management Division: _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges her property has been damaged during the construction of the Nancy Creek Sewer Tunnel. The claim has been forwarded to the contractor for handling and resolution.

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 _____

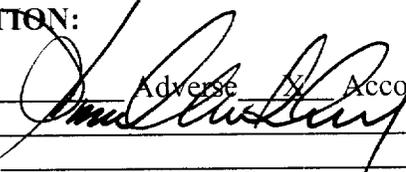
BASIS OF RECOMMENDATION:

Function: Governmental Ministerial _____
Improper Notice _____ More than Six Months _____ 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,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse Account charged: 1A01 _____ 2J01 _____ 2H01 _____ 2P01 _____
Claims Manager:  Concur/date 04/27/05
Committee Action: _____ Council Action _____

RCS# 6676
5/16/05
2:05 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 3-15

ADOPT

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

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

CONSENT I

		05-16-05 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 05-O-0655	31. 05-R-0839	50. 04-R-1789
2. 05-O-0656	32. 05-R-0677	51. 05-R-0793
3. 05-O-0657	33. 05-R-0832	52. 05-R-0795
4. 05-O-0658	34. 05-R-0833	53. 05-R-0799
5. 05-O-0659	35. 05-R-0836	54. 05-R-0800
6. 05-O-0762	36. 05-R-0837	55. 05-R-0801
7. 05-O-0778	37. 05-R-0878	56. 05-R-0802
8. 05-O-0781	38. 05-R-0818	57. 05-R-0805
9. 05-O-0871	39. 05-R-0820	58. 05-R-0806
10. 05-O-0874	40. 05-R-0826	59. 05-R-0807
11. 05-O-0669	41. 05-R-0835	60. 05-R-0810
12. 05-O-0684	42. 05-R-0785	61. 05-R-0812
13. 05-O-0685	43. 05-R-0786	62. 05-R-0814
14. 05-O-0850	44. 05-R-0787	
15. 05-O-0702	45. 05-R-0788	
16. 05-O-0703	46. 05-R-0789	
17. 05-O-0704	47. 05-R-0790	
18. 05-O-0845	48. 05-R-0791	
19. 05-R-0822	49. 05-R-0792	
20. 05-R-0823		
21. 05-R-0824		
22. 05-R-0827		
23. 05-R-0828		
24. 05-R-0834		
25. 05-R-0881		
26. 05-R-0821		
27. 05-R-0872		
28. 05-R-0830		
29. 05-R-0875		
30. 05-R-0838		