

Entered 10/29/09 sb
CL 09L0843 - LISA CARTER

CLAIM OF: ERIKA AARON
P.O. Box 310805
Atlanta, Georgia 31131

For damages alleged to have been sustained as a
result of flooding during a heavy rain event on
September 21, 2009 at 198 Atlanta Avenue, SE.

THIS ADVERSED REPORT IS
APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

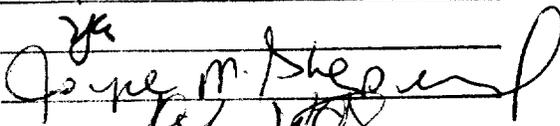
ADVERSE REPORT

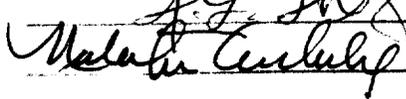
PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 1/12/10

CHAIR: _____







JAN 19 2010

CELEBRATED
Rita A. Dunbar
MEMORIAL CLERK

JAN 19 2010

ADVERSED BY
CITY COUNCIL

CITY COUNCIL
ATLANTA, GEORGIA

January 29, 2010

Ms. Erika Aaron
P.O. Box 310805
Atlanta, Georgia 31131

10-R-0096

Dear **Ms. Aaron**

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 January 19, 2010. 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. 09L0843

Date: November 24, 2009

Claimant /Victim ERIKA AARON

BY:(Atty)(Ins.Co.) _____

Address: P.O. Box 310805 Atlanta, Georgia 31131

Subrogation: _____ Claim for Property damage \$ 7,111.98 Bodily Injury \$ _____

Date of Notice: 10/28/09 Method: Written, proper Improper _____

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

Date of Occurrence 09/21/09 Place: 198 Atlanta Avenue, SE

Department Watershed Management Bureau: Wastewater Treatment and Collections Office: _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that she sustained damages as a result of flooding during a heavy rain event at 198 Atlanta Avenue, SE. An investigation determined that the claimant filed a lawsuit for a previous incident regarding flooding at location. However, the lawsuit was settled and the claimant released the city of any future events.

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 _____

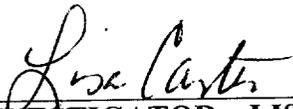
Improper Notice _____ More than Six Months _____ Other Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

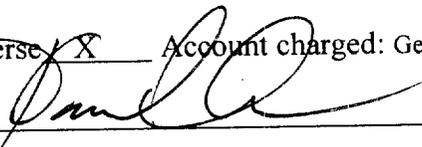
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ _____ Adverse Account charged: General Fund _____ Water & Sewer _____ Aviation _____

Claims Manager:  Concur/date 12/15/09

Committee Action: _____ Council Action _____

Sheri - EFax
404 494-1693

10-R-0096

Carter

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30303

RE: CLAIM FOR DAMAGES

Today's Date: 10/2/2009

10/28/09
[Signature]

ENTERED - 10-29-09 - SB
09L0843 - L. CARTER

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ unknown @ this time. and/or \$ _____ bodily injury for which I contend the City is liable. property

- Date of incident: 9/24/2009 2. Time of incident: afternoon 3. Police called: N/A
- Location of incident (including street address): 198 Atlanta Avenue SE, 30315
- Name of your insurance company: Travelers Policy No. 931944341 6631
- State what and how incident occurred: Sewer exploded during heavy rain events causing severe damage to our home & property. Dusk of water from sewer flooded our home.
- ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle.

Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

- Witness: _____
- The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT

[Signature]
Signature of Claimant

ERIKA AARON
(Print Claimant's Name)

PO Box 310805
(Address)

Atlanta, GA 31131
(City, State and Zip Code)

(404) 759-9098
(Work Number) (Home Number)

RCS# 17
1/19/10
1:54 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

10-R-0145

ADOPT EXCEPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
B Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I