

Entered - 7-1-05 sb
CL 05L0472 GWENDOLYN BURNS

10- R -0097

CLAIM OF: **DOROTHY BAKER**
735 Ellsworth Drive, NW
Atlanta, Georgia 30314

For property damages alleged to have been sustained from storm
water overflow on June 21, 2005at 735 Ellsworth Drive, NW.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

JAN 19 2010

RECEIVED
JAN 19 2010
Ruth DeLoach
MUNICIPAL CLERK

ADVERSE REPORT

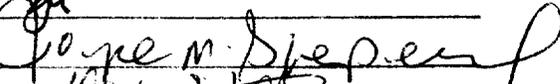
PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 1/12/10

CHAIR: _____











ADVERSED BY
CITY COUNCIL
JAN 19 2010

CITY COUNCIL
ATLANTA, GEORGIA

January 29, 2010

Ms. Dorothy Baker
735 Ellsworth Drive
Atlanta, Georgia 30314

10-R-0097

Dear **Ms. Baker**

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. 05L0472

Date: November 23, 2009

Claimant /Victim DOROTHY BAKER
BY: (Atty) (Ins. Co.)
Address: 735 Ellsworth Drive, NW, Atlanta, Georgia 30318
Subrogation: Claim for Property damage \$ unspecified Bodily Injury \$
Date of Notice: 6/21/05 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 6/21/05 Place: 735 Ellsworth Drive, NW
Department WATERSHED MANAGEMENT Bureau : Wastewater Treatment & Collection Office :
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that she sustained damages from storm water overflow. However, an investigation has determined that City forces have repaired the broken catch basin that was the source of flooding as well as repaired the claimant's driveway.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures X Diagrams Reports: Police Dept Report X Other X
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 X
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

[Handwritten signature of Gwendolyn Burns]

INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Manager: [Handwritten signature] Concur/date 12/1/09
Committee Action: Council Action

Dianne C. Mitchell

10- R -0097

From: Jeffrey Norman
Sent: Tuesday, June 21, 2005 12:20 PM
To: Dianne C. Mitchell
Cc: Jerry Deloach
Subject: FW: NOTICE - Ellsworth Drive

ENTERED - 7-1-05 - SB
0510472 - GWEN BURNS

BURNS
06/21/05


FYI

-----Original Message-----

From: Harrison Rogers [mailto:HarrisopnRogers@comcast.net]
Sent: Tuesday, June 21, 2005 12:16 PM
To: JNorman@atlantaga.gov
Cc: John and Dorothy Baker
Subject: NOTICE - Ellsworth Drive

Jeffery B. Norman, Compliance Manager
City of Atlanta, Department of Law
68 Mitchell Street, Suite 4100
Atlanta, GA 30303-3520
404-330-6462
JNorman@Atlantaga.gov

Tuesday, June 21, 2005

NOTICE

There is continued flooding on Ellsworth Drive as pictured and described on the following posted web page that needs immediate repair.

<http://www.30318.net/>

Please contact either:

Dorothy Baker
735 Ellsworth Dr.
(404) 731-7723

Or

Harrison Rogers, Realtor
Direct Line: 404-784-5400
Direct Fax: 404-271-0919

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