

Entered - 12/1/08 - sb
CL- 08L1016 - Angelena Kelly

Claim of: Ruth Green
Through her attorney Sam Starks
3353 Peachtree Road, Suite 510
Atlanta, GA 30326

For damages alleged to have been sustained as a result of a
sewer back-up on October 29, 2008 at 318 Kelso Drive.

THIS ADVERSED REPORT IS APPROVED

BY: _____
JERRY L. DEBOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 1/12/10

CHAIR: [Signature]

[Signature]
[Signature]

JAN 19 2010

RECEIVED
JAN 19 2010
Ruth Green
ATTORNEYS AT LAW

JAN 19 2010

ADVERSED BY
CITY COUNCIL

CITY COUNCIL
ATLANTA, GEORGIA

January 29, 2010

Sam Starks, Esquire
3353 Peachtree Road, Suite 510
Atlanta, Georgia 30326

10-R-0108

RE: Ruth Green

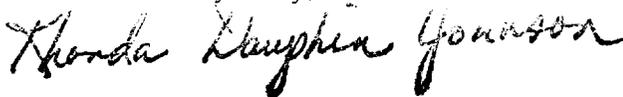
Dear Mr. Sam Starks

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 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.**

Yours very truly,



Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department



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Atlanta, Georgia 30326
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www.MartinandJones.com
404-257-1117

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Durham, North Carolina 919-544-3000
Wilmington, North Carolina 910-256-4005

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Sam L. Starks (DC, GA)
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Walter McBrayer Wood (NC, SC)

Sam L. Starks
E-Mail: sls@m-j.com

ENTERED - 12-1-08 - SB
08L1016 - A. KELLY

October 29, 2008

Rhonda Dauphin Johnson
Municipal Clerk
City of Atlanta
55 Trinity Avenue, Suite 2700
Atlanta, GA 30303

RE: Ruth Green

Dear Ms. Johnson:

This letter will serve as anti-litem notice to the City of Atlanta, pursuant to O.C.G.A. §36-33-5, in reference to claims of nuisance and inverse condemnation against the City of Atlanta as described below.

Ms. Ruth Green resides at 318 Kelso Drive, SW, Atlanta, Georgia, 30311. On October 29, 2008, Ms. Green's property experienced a sewage backup resulting from the City's failure to maintain an adequate sanitary sewer system in the Southwest Atlanta neighborhood where her home is located. Even before the event described above Ms. Green has experienced sewer backups affecting her residence. Even to this day, the sanitary sewer system serving her neighborhood does not function properly and causes backups on her property.

The City of Atlanta's failure to maintain the sanitary sewer system in the neighborhood in question constitutes a nuisance upon Ms. Green's residence causing her ongoing and continued injury, annoyance and harm. See O.C.G.A. § 41-1-1; Hibbs v. City of Riverdale, 267 Ga. 337 (1996). The City of Atlanta is also liable to Ms. Green for the interference with her use and enjoyment of her residence without adequate compensation.

Should the City of Atlanta desire to discuss settlement of these claims, I look forward to receiving such a response. In the event that these claims cannot be settled without litigation, Ms. Green is hereby providing notice to the City of Atlanta that she intends to file a civil action against the City of Atlanta seeking any and all damages she is entitled to under Georgia law, as it relates to all of the matters set forth herein.

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Kelly
11/26/08
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2008 NOV -4 AM 10:00

Pursuant to O.C.G.A. § 36-33-5, the City of Atlanta has thirty days from the presentation of these claims to decide whether these claims can be settled without litigation. Please contact me if I can provide any further information regarding this matter

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Sam L. Starks', is written over the typed name.

Sam L. Starks

SLS:tbp

10-R -0108

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