

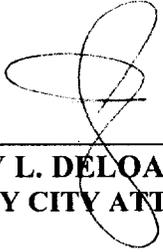
10- R -0182

Entered - 12/16/09 - sb
CL- 09L01024 - Angelena Kelly

Claim of: Richard Hackett
2480 Oldfield Road
Atlanta, GA 30327

For damages alleged to have been sustained as a result of a sewer back-up on December 29, 2008 at 2480 Oldfield Road.

THIS ADVERSED REPORT IS APPROVED



BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 1/26/10

CHAIR: [Signature]

[Signature]

[Signature]

[Signature]

FEB 01 2010

RECEIVED
FEB 01 2010

Richard Hackett
MEMORANDUM

ADVERSED BY



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6030
FAX (404) 658-6273

February 9, 2010

Mr. Richard Hackett
2480 Oldfield Road
Atlanta Georgia

10-R-0182

Dear Mr. Hackett

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 client's claim at its regular meeting on February 1, 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. 09L1024

Date: December 23, 2009

Claimant /Victim: Richard Hackett
BY:(Atty)(Ins. Co.) _____
Address: 2480 Oldfield Road, Atlanta, GA 30327
Subrogation: _____ Claim for Property damage \$ 2,519.00 Bodily Injury \$ _____
Date of Notice: 12/7/09 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) _____
Date of Occurrence: 12/29/08 Place: 2480 Oldfield Road
Department: Watershed Management Bureau: Wastewater Treatment and Collections Office: _____
Employee involved: _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that he sustained property damage due to a sewer back-up. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. § 36-33-5, in that the six month statute of limitations expired prior to receipt of the claim.

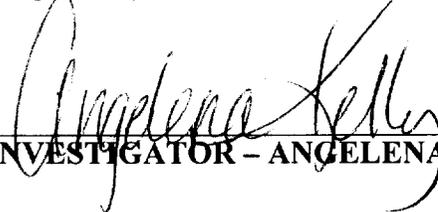
INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

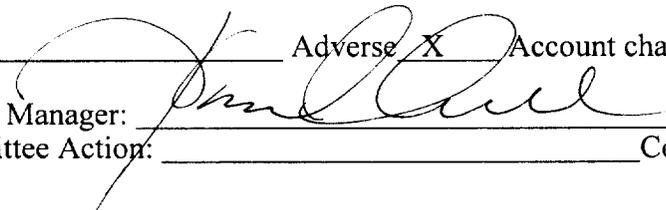
BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____
Improper Notice _____ More than Six Months X 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 - ANGELENA KELLY

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: General Fund _____ Water & Sewer _____ Aviation _____
Claims Manager:  Concur/date 01/07/10
Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

RECEIVED
OFFICE OF
MUNICIPAL CLERK
2009 DEC -7 5:17:09 AM
AM ID: 18

Today's Date: 11.28.09

Kelly
12/15/09

Dear Municipal Clerk:

ENTERED - 12-16-09 - SB
09L1024 - A. KELLY

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 2,519.00 property and/or
\$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 12/29/08 2. Time of Incident: 6:00 Pm 3. Police called: _____
(month/day/year). Yes No

4. Location of incident (including street address): 2480 OLDFIELD RD, ATLANTA, GA 30327

5. Name of your insurance company: STATE FARM Policy No. _____

6. State what and how incident occurred: THE CITY SEWER TAP BROKE AND WAS PENETRATED BY
ROOTS CAUSING IT TO BECOME CLOGGED AND OVERFLOW INTO MY HOUSE. I CALLED THE
CITY AND WAS TOLD (INCORRECTLY) THAT IT WAS NOT A CITY PROBLEM. AFTER HIRING TWO
PLUMBERS, IT WAS CONFIRMED THAT IT WAS A CITY ISSUE AND THE CITY FIXED IT. I
AM CLAIMING THE COST OF INVESTIGATION AND CLEAN-UP AS DAMAGES.

7. 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 (copy of the current tag receipt or title).

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

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

9. Witness: CLAIKE HACKETT 2480 OLDFIELD RD ATLANTA, GA 404 408 2318
(Name) (Address) (Telephone Number)

10. 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. This claim should be mailed immediately to the address shown above.

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

Richard R. Hackett
Signature of Claimant

RICHARD RAYMOND HACKETT
(Print Claimant's Name)

2480 OLDFIELD RD
(Address)

ATLANTA, GA 30327
(City, State and Zip Code)

404 408 1981 404 351 0809
(Work Number) (Home Number)

10- R -0182

RCS# 42
2/01/10
2:07 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

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

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

CONSENT I

		02-01-10
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 10-O-0118	36. 10-R-0182	
2. 10-O-0119	37. 10-R-0183	
3. 10-O-0120	38. 10-R-0184	
4. 10-O-0121	39. 10-R-0185	
5. 10-O-0122	40. 10-R-0186	
6. 10-O-0123	41. 10-R-0187	
7. 10-O-0126	42. 10-R-0188	
8. 10-O-0127	43. 10-R-0189	
9. 10-O-0128	44. 10-R-0190	
10. 10-O-0129	45. 10-R-0191	
11. 10-O-0220	46. 10-R-0192	
12. 10-O-0221	47. 10-R-0193	
13. 10-O-0057	48. 10-R-0194	
14. 10-O-0135	49. 10-R-0195	
15. 10-R-0134	50. 10-R-0196	
16. 10-R-0162	51. 10-R-0197	
17. 10-R-0227	52. 10-R-0198	
19. 10-R-0164	53. 10-R-0199	
20. 10-R-0165	54. 10-R-0200	
21. 10-R-0166	55. 10-R-0201	
22. 10-R-0169	56. 10-R-0202	
23. 10-R-0170	57. 10-R-0203	
24. 10-R-0171	58. 10-R-0204	
25. 10-R-0222	59. 10-R-0205	
26. 10-R-0228		
27. 10-R-0173		
28. 10-R-0174		
29. 10-R-0175		
30. 10-R-0176		
31. 10-R-0177		
32. 10-R-0178		
33. 10-R-0179		
34. 10-R-0180		
35. 10-R-0181		