

10- R-0183

Entered 08/24/09 sb
CL 09L0619 - LISA CARTER

CLAIM OF: ROY D. MCCREREY
1130 Los Angeles Avenue, NE
Atlanta, Georgia 30306

For damages alleged to have been sustained as a result of a sewer back up on July 12, 2009 at 1130 Los Angeles Avenue, NE.

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]

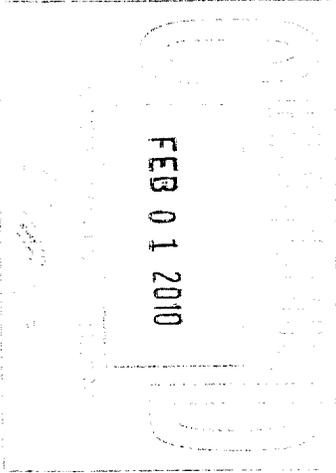
[Signature]

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FEB 01 2010

ADVERSED BY
CITY COUNCIL



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. Roy D. McCreery
1130 Los Angeles Avenue, N.E.
Atlanta Georgia 30306

10-R-0183

Dear Mr. McCreery

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 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. 09L0619

Date: December 30, 2009

Claimant /Victim ROY D. MCCEREY

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

Address: 1130 Los Angeles Avenue, NE Atlanta Georgia 30306

Subrogation: _____ Claim for Property damage \$ \$10,000.00 Bodily Injury \$ _____

Date of Notice: 07/24/09 Method: Written, proper Improper _____

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

Date of Occurrence 07/12/09 Place: 1130 Los Angeles Avenue, NE

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

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that he sustained damages as a result of a sewer back up at 1130 Los Angeles Avenue, NE. However, an investigation determined that the city was not on notice of a problem at this location prior to the incident involving the claimant. Furthermore, the claimant admitted that he never reported the incident to the city.

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 _____

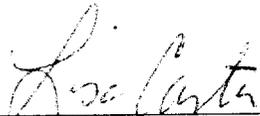
Improper Notice _____ More than Six Months _____ Other Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

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

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

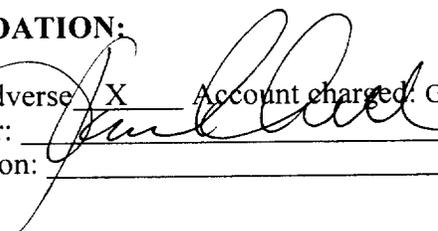
Respectfully submitted,



INVESTIGATOR - LISA CARTER

RECOMMENDATION:

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

Claims Manager:  Concur/date 01/07/10

Committee Action: _____ Council Action _____

RECEIVED
OFFICE OF
MUNICIPAL CL

Post Mark Date 7/21/09
By [Signature]

2009 JUL 24 PM

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

RE: CLAIM FOR DAMAGES

Carter
08/20/09
[Signature]

Today's Date: 7/21/09

ENTERED - 8-24-09 - SB
09L0619 - L. CARTER

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 10,000 property and/or \$ 0 bodily injury for which I contend the City is liable.

- Date of incident: 11/12/09 2. Time of incident: 10:00pm 3. Police called: No
- Location of incident (including street address): 1130 Los Angeles Ave NE.
- Name of your insurance company: State Farm Policy No. P149482-D14-11C
- State what and how incident occurred: There was severe rain on the night of Sunday 11/12/09. The sewage drain backed up and overflowed - pushing the water up into the drain of my basement, and flooding the basement.
- 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).
- 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

Roy D. McCreary
(Print Claimant's Name)

1130 Los Angeles Ave NE
(Address)

Atlanta GA 30306
(City, State and Zip Code)

(678) 427-8178 (404) 885 5186
(Work Number) (Home Number)

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		