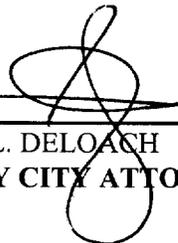


CLAIM OF: **MILTON HARRIS**
3841 Hogan Road, SW
Atlanta, Georgia 30331

For property damages alleged to have been sustained from storm sewer overflow on September 19, 2009 at 3841 Hogan Road, SW.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

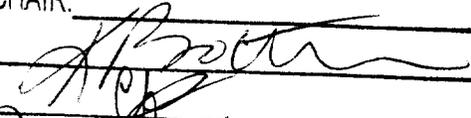
FEB 15 2010

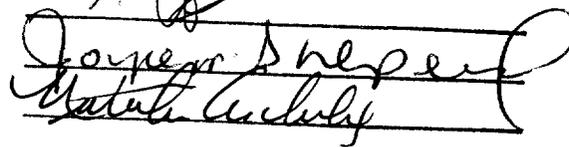
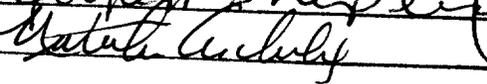
ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 2/9/10

CHAIR: _____



FEB 15 2010
RECEIVED BY
CIVIL COUNCIL

RECEIVED
FEB 15 2010
CIVIL COUNCIL



CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SUITE 2700
ATLANTA, GEORGIA 30303
Main (404) 330-8033
Fax (404) 658-8103
Email municipalclerk@atlantaga.gov

February 25, 2010

Mr. Milton Harris
3841 Hogan Road
Atlanta Georgia 30331

10-R-0260

Dear Mr. Harris

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 15, 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. 09L0702

Date: January 19, 2010

Claimant /Victim MILTON HARRIS
BY: (Atty) (Ins. Co.)
Address: 3841 Hogan Road, SW, Atlanta, Georgia 30331
Subrogation: Claim for Property damage \$ 10,000.00 Bodily Injury \$
Date of Notice: 9/24/09 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 9/19/09 Place: 3841 Hogan Road
Department WATERSHED MANAGEMENT Bureau : Wastewater Treatment & Collection Office :
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that he sustained damages from storm sewer overflow due to a heavy rain storm. However, an investigation has determined that the City was not on notice of a storm water problem prior to the claimant's date of incident. Moreover, the rain event in question was a two hundred year storm event and produced an inordinate amount of rain.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures 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
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

[Signature]
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Manager: [Signature] Concur/date 01/2
Committee Action: Council Action

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

RE: CLAIM FOR DAMAGES

Today's Date: 9/24/09

ENTERED - 9-24-09 - SB
09L0702 - G. BURNS

BURNS
09/24/09

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 10,000.00 property and/or \$ 0 bodily injury for which I contend the City is liable.

- 1. Date of incident: 9/19/09 2. Time of incident: 3:00pm 3. Police called: No/ The water waste dept. was called
- 4. Location of incident (including street address): 3841 Hogan Rd, Atl GA 30331
- 5. Name of your insurance company: State Farm Policy No. 11-BF-2180-8
- 6. State what and how incident occurred: Due to significant rainfall the storm drain broke up and was clogged on Fairburn Hogan Rd resulting in water backing up in our basement and filling 2 ft.

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.

Your vehicle: N/A
(Make) (Year) (Tag Number) (Driver's Name)

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

9. Witness: Milton Hawkins, James King, Frances Dukas, Rickie Lockett * Photos Also *

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. 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

Milton Hawkins
(Print Claimant's Name)

3841 Hogan Rd
(Address)

Atl GA 30331
(City, State and Zip Code)

4043490341 6786089830
(Work Number) (Home Number)

RCS# 70
2/15/10
2:39 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

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

CONSENT I

ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	02-15-10 ITEMS ADVERSED ON CONSENT
1. 10-O-0163 2. 10-O-0167 3. 10-O-0229 4. 10-O-0317 5. 10-O-0153 6. 10-O-0154 7. 10-O-0155 8. 10-O-0156 9. 10-O-0158 10. 10-O-0159 11. 10-O-0157 12. 10-R-0242 13. 10-R-0243 14. 10-R-0124 15. 10-R-0282 16. 10-R-0283 17. 10-R-0284 19. 10-R-0285 20. 10-R-0286 21. 10-R-0287 22. 10-R-0295 23. 10-R-0299 24. 10-R-0300 25. 10-R-0301 26. 10-R-0302 27. 10-R-0233 28. 10-R-0234 29. 10-R-0235 30. 10-R-0236 31. 10-R-0237 32. 10-R-0238 33. 10-R-0239 34. 10-R-0240 35. 10-R-0316	36. 10-R-0160 37. 10-R-0244 38. 10-R-0245 39. 10-R-0246 40. 10-R-0247 41. 10-R-0248 42. 10-R-0249 43. 10-R-0250 44. 10-R-0251 45. 10-R-0252 46. 10-R-0253 47. 10-R-0254 48. 10-R-0255 49. 10-R-0256 50. 10-R-0257 51. 10-R-0258 52. 10-R-0259	53. 10-R-0260 54. 10-R-0261 55. 10-R-0262 56. 10-R-0263 57. 10-R-0264 58. 10-R-0265 59. 10-R-0266 60. 10-R-0267 61. 10-R-0268 62. 10-R-0269 63. 10-R-0270 64. 10-R-0271 65. 10-R-0272 66. 10-R-0273 67. 10-R-0274