

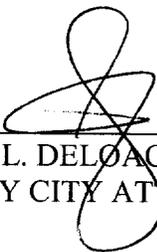
Entered - 11-25-09 sb
CL 09L0925- GWENDOLYN BURNS

**CLAIM OF: CASCADES UNIT OWNERS
ASSOCIATION**
2555 Benjamin E. Mays Drive
Atlanta, Georgia 30331

For damages alleged to have been sustained when an irrigation system and landscaping were damaged from a water main break on December 9, 2008 at 2555 Benjamin E. Mays Drive, SW.

FEB 15 2010

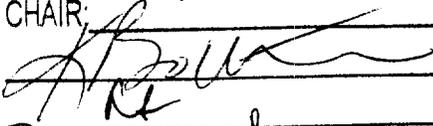
THIS ADVERSED REPORT IS APPROVED

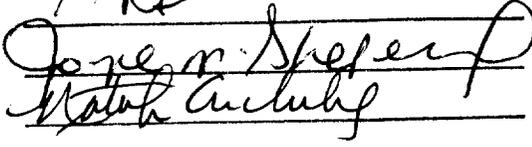
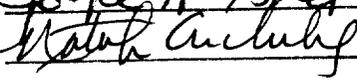
BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 2/9/10

CHAIR: 

FEB 16 2010
ADVERSED REPORT
CITY



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) 658-6103
Email municipalclerk@atlantaga.gov

February 25, 2010

Cascades Unit Owners Association
2555 Benjamin E. Mays Drive
Atlanta Georgia 30331

10-R-0264

Dear **Sir/Madam**

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. 09L0925

Date: January 22, 2010

Claimant /Victim CASCADES UNIT OWNERS ASSOCIATION
BY: (Atty) (Ins. Co.)
Address: 2555 Benjamin E. Mays Drive, SW, Atlanta, Georgia 30331
Subrogation: Claim for Property damage \$ 10,132.00 Bodily Injury \$
Date of Notice: 11/24/09 Method: Written, Proper Improper X
Conforms to Notice: O.C. G. A. §36-33-5 X Ante Litem (6 Mo.)
Date of Occurrence 12/9/09 Place: 2555 Benjamin E. Mays Drive, SW
Department WATERSHED MANAGEMENT Bureau: Drinking Water Office:
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that it sustained landscaping and irrigation system damages from a water main break caused by the City. However, an investigation has determined that the claimant failed to timely file her claim pursuant to O.C.G.A. §36-33-5.

INVESTIGATION:

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

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial X
Improper Notice More than Six Months X 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 1/25/10
Committee Action: Council Action

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

RE: CLAIM FOR DAMAGES

Today's Date: 11-4-2009

ENTERED - 11-25-09 - SB
09L0925 - G. BURNS

BURNS
11/24/09
[Signature]

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 7,000⁰⁰ ^{*estimated*} property and/or \$ bodily injury for which I contend the City is liable.

- Date of Incident: 12/9/08 2. Time of incident: 3. Police called: N/A
- Location of incident (including street address): 2555 Benjamin E. Mays Atlanta
- Name of your insurance company: Policy No.
- State what and how Incident occurred: City of Atlanta damaged water main, causing flooding at community entrance and extensive damage to landscape, fence, bridge, road and irrigation sys.
- 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.

N/A

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

Cascades Unit Owners Assoc.

(Print Claimant's Name)

2555 Benjamin E Mays,

(Address)

Atlanta GA 30331

(City, State and Zip Code)

770-560-1897 / 678-300-1200

(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

		02-15-10
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 10-O-0163	36. 10-R-0160	53. 10-R-0260
2. 10-O-0167	37. 10-R-0244	54. 10-R-0261
3. 10-O-0229	38. 10-R-0245	55. 10-R-0262
4. 10-O-0317	39. 10-R-0246	56. 10-R-0263
5. 10-O-0153	40. 10-R-0247	57. 10-R-0264
6. 10-O-0154	41. 10-R-0248	58. 10-R-0265
7. 10-O-0155	42. 10-R-0249	59. 10-R-0266
8. 10-O-0156	43. 10-R-0250	60. 10-R-0267
9. 10-O-0158	44. 10-R-0251	61. 10-R-0268
10. 10-O-0159	45. 10-R-0252	62. 10-R-0269
11. 10-O-0157	46. 10-R-0253	63. 10-R-0270
12. 10-R-0242	47. 10-R-0254	64. 10-R-0271
13. 10-R-0243	48. 10-R-0255	65. 10-R-0272
14. 10-R-0124	49. 10-R-0256	66. 10-R-0273
15. 10-R-0282	50. 10-R-0257	67. 10-R-0274
16. 10-R-0283	51. 10-R-0258	
17. 10-R-0284	52. 10-R-0259	
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		