

Entered - 7/17/09 - sb  
CL- 09L0525 - Angelena Kelly

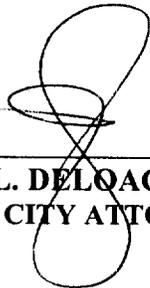
Claim of: Centraarchy  
236 Albermarle Road  
Charleston, SC 29407

For damages alleged to have been sustained as a result of a power outage on May 14, 2009 at 1015 Crown Pointe Parkway.

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: \_\_\_\_\_

[Signature]

[Signature]

[Signature]

[Signature]

\_\_\_\_\_

\_\_\_\_\_

ADVERSED BY  
CITY COUNCIL

FEB 15 2010



CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

February 25, 2010

55 TRINITY AVENUE, S.W.  
SUITE 2700  
ATLANTA, GEORGIA 30303  
Main (404) 330-8033  
Fax (404) 858-8103  
Email [municipalclerk@atlantaga.gov](mailto:municipalclerk@atlantaga.gov)

Centraarchy  
236 Albermarle Road  
Charleston, SC 29407

10-R-0267

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,

A handwritten signature in cursive script that reads "Rhonda Dauphin Johnson".

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 09L0525

Date: January 15, 2010

Claimant /Victim Centraarchy

BY: (Atty) (Ins. Co.)

Address: 236 Albermarle Road, Charleston, SC 29407

Subrogation: Claim for Property damage \$ 3,126.59 Bodily Injury \$

Date of Notice: 7/8/09 Method: Written, proper X Improper

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

Date of Occurrence: 5/14/09 Place: 1015 Crown Pointe Parkway

Department: Bureau: Office:

Employee involved: Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that their restaurant sustained loss of revenue due to a power outage caused by a severed power line. The investigation determined this area is outside the Atlanta City limits.

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 X Offer rejected Compromise settlement

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

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

Handwritten signature of Angelena Kelly
INVESTIGATOR - ANGELENA KELLY

RECOMMENDATION:

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

Claims Manager: Concur/date 1/25/10

Committee Action: Council Action

REC'D  
OFFICE  
MUNICIPAL CLERK

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

2009 JUL - 8 5:11

RE: CLAIM FOR DAMAGES

Today's Date: 6/26/09

ENTERED - 7-17-09 - SB  
09L0525 - A. KELLY

Kelly  
07/15/09

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 3,126.59 property and/or \$ N/A bodily injury for which I contend the City is liable.

- Date of incident: MAY 14, 2009 2. Time of incident: 6:48pm 3. Police called: N/A
- Location of incident (including street address): Joey D's Oakroom 1015 Crown Pointe Pkwy
- Name of your insurance company: Yates Policy No. 2071010872
- State what and how incident occurred: The main underground power line was severed at 6:48pm on May 14th. This resulted in the restaurant losing power until 10:00pm. The restaurant was not able to serve a full menu and guests were deterred from staying while the power was out.
- 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!
- 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

The claim is due to loss of revenue during the time of the power outage

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.

Laurie Nigels  
Signature of Claimant

Laurie Nigels - Accountant, Centraarch  
(Print Claimant's Name)

236 Albemarle Rd  
(Address)

Charleston, SC 29407  
(City, State and Zip Code)

843-571-0096 ext 253  
(Work Number) (Home Number)

Lnigels@centraarchy.com

10- R -0267

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

<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADOPTED ON CONSENT</b>	<b>02-15-10 ITEMS ADVERSED ON CONSENT</b>
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