

10- R -0456

Entered - 3/17/09 - sb  
CL- 09L0221 - Angelena Kelly

Claim of: Karen DiMatties  
869 Gilbert Street  
Atlanta, GA 30316

For damages alleged to have been sustained as a result of  
water meter installation on February 24, 2009 at 869  
Gilbert Street.

MAR 15 2010

THIS ADVERSED REPORT IS APPROVED

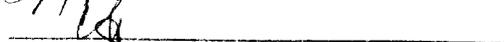
BY:   
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

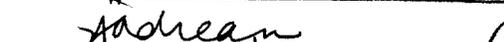
**ADVERSE REPORT**

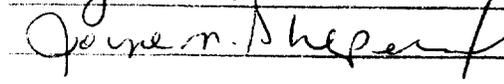
PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE 3/9/10

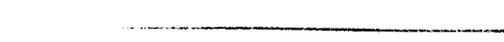
CHAIR 











MAR 15 2010  
CITY OF ATLANTA  
LEGAL ADMINISTRATION COMMITTEE

MAR 15 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

March 19, 2010

Ms. Karen Dimatties  
869 Gilbert Street  
Atlanta, Georgia 30316

**10-R-0456**

Dear Ms. Dimatties

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 March 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. 09L0221

Date: February 16, 2010

Claimant /Victim: Karen DiMatties  
BY:(Atty)(Ins. Co.) \_\_\_\_\_  
Address: 869 Gilbert Street, Atlanta, GA 30316  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 125.00 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 3/6/09 Method: Written, proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence: 2/24/09 Place: 869 Gilbert Street  
Department Watershed Management Bureau: Drinking Water Office: \_\_\_\_\_  
Employee involved: \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges that her property was damaged during the installation of a water meter. The investigation determined that a contractor working on behalf of the city performed the meter installation. The claim has been tendered to the contractor for handling pursuant to the written agreement. The claimant has been advised of this action.

INVESTIGATION:

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

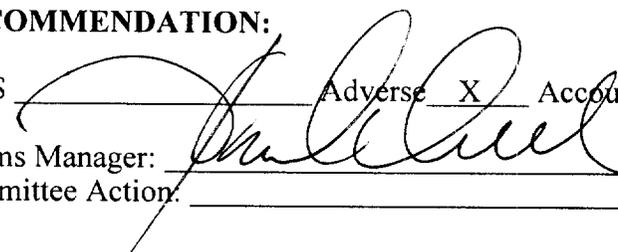
BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial X  
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,

  
\_\_\_\_\_  
INVESTIGATOR - ANGELENA KELLY

RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: General Fund \_\_\_\_\_ Water & Sewer \_\_\_\_\_ Aviation \_\_\_\_\_  
Claims Manager:  Concur/date 02/17/10  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

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

RECEIVED  
MUNICIPAL CLERK  
2009 MAR -6 AM 3:4

CLAIM FOR DAMAGES

9: Today's Date: 3/2/09

ENTERED - 3-17-09 - SB  
09L0221 - A. KELLY

1 Kelly  
03/16/09  
9

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$125<sup>00</sup> property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

- 1. Date of incident: 2/24/09. Time of incident: 3PM 3. Police called: NO
- 4. Location of incident (including street address): 869 Gilbert St SE 30316
- 5. Name of your insurance company: \_\_\_\_\_ Policy No. \_\_\_\_\_

6. State what and how incident occurred:  
See Attached

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: \_\_\_\_\_  
 (Make) (Year) (Tag Number) (Driver's Name)  
 City vehicle: \_\_\_\_\_  
 (Make) (City Driver's Name) (Department/Bureau)

9. Witness: \_\_\_\_\_

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.

Karen DiMatties  
Signature of Claimant

Karen DiMatties  
(Print Claimant's Name)

869 Gilbert St SE  
(Address)

Atlanta GA 30316  
(City, State and Zip Code)

(4) 475-8358 (cell)  
(Work Number) (Home Number)

On February 24<sup>th</sup>, the City of Atlanta Department on Watershed Mgmt. turned off the street level water connection around 3PM. Had I not been home that afternoon, I would not have known the water for my house had been turned off for a short period of time. After the water had been turned off and turned back on, the flow of the water in one of my bathroom faucets stopped. Not knowing exactly why it had stopped, I had to call a local plumber to come fix the problem. I assumed the problem had something to do with the flow of the water in the house because I had just had the piping replaced due to a leak earlier in the month of February. However, the problem was the result of the water being turned off, back on and therefore causing a clog in the faucet. The fix to the problem was simple, but the charge was \$125.

The City of Atlanta Department of Watershed should reimburse me for the \$125 plumbing charge because the problem was caused by work they had done to the piping and because there was no communication as to the department doing any work or testing on my street the afternoon of the 24<sup>th</sup>. If the Watershed Department doing work that may effect the water flow into the tax payers home, they should leave a communication with what was done and a helpline to call if there are any issues with the water flow in their home after the work was done on their street.

**10- R -0456**

RCS# 124  
3/15/10  
2:18 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

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

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

CONSENT I