

13-R-3062

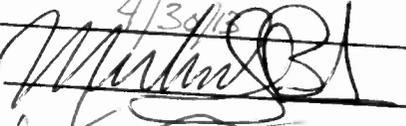
Entered - 4/6/12 - sb
CL - 12L0257 - DPW/09 - ANGELENA KELLY

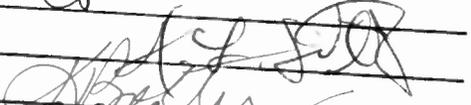
CLAIM OF: HR Properties
Attn: Melody Rowland
3715 Northside Parkway, Suite 4-350
Atlanta, GA 30327

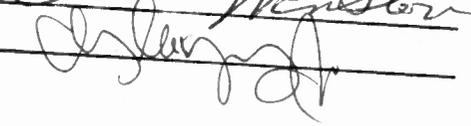
For property damage allegedly sustained as a result of a severed irrigation line during sidewalk installation on February 17, 2012 at 1876 DeFoor Avenue.

THIS ADVERSED REPORT IS APPROVED

BY: 
ERIC RICHARDSON
DEPUTY CITY ATTORNEY

ADVERSE REPORT
PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE
DATE: 4/30/12
CHAIR: 









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) 330-6033
Fax (404) 658-6103
Email municipalclerk@atlantaga.gov

May 13, 2013

HR Properties
Attention: Melody Rowland
3715 Northside Parkway
Suite 4-350
Atlanta, Georgia 30327

13-R-3062

Dear HR Properties:

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 May 3, 2013.

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. 12L0257

Date: March 20, 2013

Claimant /Victim: HR Properties
BY:(Atty)(Ins. Co.)
Address: Attn: Melody Rowland, 3715 Northside Parkway, Suite 4-350, Atlanta, GA 30327
Subrogation: Claim for Property damage \$ 2,880.00 Bodily Injury \$
Date of Notice: 3/29/12 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence: 2/17/12 Place: 1876 Defoor Avenue
Department: Bureau: Office:
Employee involved: Disciplinary Action:

NATURE OF CLAIM: The claimant alleges property damage sustained during the installation of a sidewalk. The investigation determined that a contractor working on behalf of the city performed the sidewalk 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 Others Written X Oral
Pictures X Diagrams Reports: Police Dept Report X 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,

A. Kelly

INVESTIGATOR - A. KELLY

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Director/Manager: Concur/date 3/11/13
Claims Manager: Concur/date
Committee Action: Council Action

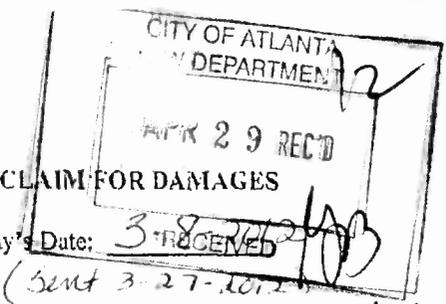
COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30303

RECEIVED
OFFICE OF
MUNICIPAL CLERK

RE: CLAIM FOR DAMAGES

Today's Date: 3-27-2012

2012 MAR 29 PM 1:39



Dear Municipal Clerk:

ENTERED - 4-6-12 - SB
12L0257 - A. KELLY

Kelly
4/3/12
gpr

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 2,880.00 property and/or \$ N/A bodily injury for which I contend the City is liable.

1. Date of incident: 2/17/12 ^{week ending} 2. Time of incident: unsure 3. Police called: NO

4. Location of incident (including street address): 1876 DeFoor Ave

5. Name of your insurance company: N/A Policy No. _____

6. State what and how incident occurred: The city's subcontractor installed new sidewalks which damaged our irrigation system, and turf (Bermuda grass).
[No notice was received for the work in advance.]

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: - Attached

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

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

9. Witness: Mike Barrett, Landscaper

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.

M Rowland
Signature of Claimant

Melody Rowland, Prop. Mgr.
(Print Claimant's Name)

3715 Northside Pkwy. 4-350
(Address)

Atlanta GA 30327
(City, State and Zip Code)

678-904-4557
(Work Number) (Home Number)
404-355-9300

+

| | | 05-06-13 |
|-----------------------------|--------------------------------------|------------------------------|
| ITEMS ADOPTED ON CONSENT | ITEMS ADOPTED ON CONSENT | ITEMS ADVERSED ON CONSENT |
| 1. 13-O-0599 | 40. 13-R-3103 | 77. 13-R-3043 |
| 2. 13-O-0629 | 41. 13-R-3104 | 78. 13-R-3044 |
| 3. 13-O-0643 | 42. 13-R-3085 | 79. 13-R-3045 |
| 4. 13-O-0119 | 43. 13-R-3086 | 80. 13-R-3046 |
| 5. 13-O-0632 | 44. 13-R-3087 | 81. 13-R-3047 |
| 6. 13-O-0639 | 45. 13-R-3088 | 82. 13-R-3048 |
| 7. 13-O-0638 | 46. 13-R-3089 | 83. 13-R-3049 |
| 8. 13-O-0640 | 47. 13-R-3090 | 84. 13-R-3050 |
| 9. 13-O-0648 | 48. 13-R-3014 | 85. 13-R-3051 |
| 10. 13-O-0592 | 49. 13-R-3015 | 86. 13-R-3052 |
| 11. 13-O-0628 | 50. 13-R-3016 | 87. 13-R-3053 |
| 12. 13-O-0630 | 51. 13-R-3017 | 88. 13-R-3054 |
| 13. 13-R-3091 | 52. 13-R-3018 | 89. 13-R-3055 |
| 14. 13-R-3092 | 53. 13-R-3019 | 90. 13-R-3056 |
| 15. 13-R-3094 | 54. 13-R-3020 | 91. 13-R-3057 |
| 16. 13-R-3095 | 55. 13-R-3021 | 92. 13-R-3058 |
| 17. 13-R-3096 | 56. 13-R-3022 | 93. 13-R-3059 |
| 18. 13-R-3097 | 57. 13-R-3023 | 94. 13-R-3060 |
| 19. 13-R-3093 | 58. 13-R-3024 | 95. 13-R-3061 |
| 20. 13-R-3098 | 59. 13-R-3025 | 96. 13-R-3062 |
| 21. 13-R-3100 | 60. 13-R-3026 | 97. 13-R-3063 |
| 22. 13-R-3101 | 61. 13-R-3027 | 98. 13-R-3064 |
| 23. 13-R-3106 | 62. 13-R-3028 | 99. 13-R-3065 |
| 24. 13-R-3003 | 63. 13-R-3029 | 100. 13-R-3066 |
| 25. 13-R-3004 | 64. 13-R-3030 | 101. 13-R-3067 |
| 26. 13-R-3005 | 65. 13-R-3031 | 102. 13-R-3068 |
| 27. 13-R-3006 | 66. 13-R-3032 | 103. 13-R-3069 |
| 28. 13-R-3007 | 67. 13-R-3033 | 104. 13-R-3070 |
| 29. 13-R-3008 | ITEMS ADVERSED ON CONSENT | 105. 13-R-3071 |
| 30. 13-R-3009 | 68. 13-R-3034 | 106. 13-R-3072 |
| 31. 13-R-3010 | 69. 13-R-3035 | 107. 13-R-3073 |
| 32. 13-R-3011 | 70. 13-R-3036 | 108. 13-R-3074 |
| 33. 13-R-3013 | 71. 13-R-3037 | 109. 13-R-3075 |
| 34. 13-R-3000 | 72. 13-R-3038 | 110. 13-R-3076 |
| 35. 13-R-3001 | 73. 13-R-3039 | 111. 13-R-3077 |
| 36. 13-R-3002 | 74. 13-R-3040 | 112. 13-R-3078 |
| 37. 13-R-3083 | 75. 13-R-3041 | 113. 13-R-3079 |
| 38. 13-R-3084 | 76. 13-R-3042 | 114. 13-R-3080 |
| 39. 13-R-3102 | | 115. 13-R-3081 |
| | | 116. 13-R-3082 |