

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 11L0805

Date: May 9, 2014

Claimant /Victim: Frank Virgin

BY:(Atty)(Ins. Co.) _____

Address: 1201 Peachtree Street, Suite 1110, Atlanta, GA 30361

Subrogation: _____ Claim for Property damage \$ 890.00 Bodily Injury \$ _____

Date of Notice: 10/17/11 Method: Written, proper X Improper _____

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

Date of Occurrence: 10/5/11 Place: 2362 Dellwood Drive

Department: Watershed Management Bureau: Wastewater Treatment and Collections Office: _____

Employee involved: _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that his property was damaged due to a sewer back-up. The investigation determined that the City had no notice of any problems with the sewer line prior to this occurrence.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ 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 X Ministerial _____

Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

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

Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - ANGELENA KELLY

RECOMMENDATION:

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

Claims Director/Manager: CLB Concur/date 5/14/14

Deputy City Attorney: ASB Concur/date 5/13/14

Committee Action: _____ Council Action _____

SLAUGHTER & VIRGIN
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
SUITE 1110
400 COLONY SQUARE
1201 PEACHTREE STREET, N.E.
ATLANTA, GEORGIA 30361
EMAIL: SLAUGHTERVIRG@AOL.COM

Kelly
10/19/11
gib

CITY OF ATLANTA LAW DEPARTMENT
OCT 17 REC'D <i>2011</i>
RECEIVED <i>SB</i>

ENTERED - 10-25-11 - SB
11L0805 - A. KELLY

TELEPHONE:
404-897-1110
FACSIMILE:
404-872-7870

NATHANIEL G. SLAUGHTER, III
FRANK W. VIRGIN

October 17, 2011

Municipal Clerk
City of Atlanta
City Hall
55 Trinity Avenue, S.W.
Atlanta, GA 30335

Dear Sir/Madam:

Enclosed is my claim for damages arising out of the breakdown on the sewer main on Dellwood Drive on October 5, 2011. If you need any additional information concerning the processing of this claim, please contact me. If you need any additional information concerning the breakdown on the main sewer line on Dellwood Drive, please contact Robert Goode with Unit 78 of your Watershed Management Division.

Sincerely,


Frank W. Virgin

FWV/jsh
encl.