

00-~~1~~-1059

(Do Not Write Above This Line)

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF THE CLAIM OF 1898 WYCLIFF ROAD CONDOMINIUM ASSOCIATION, INC. IN THE AMOUNT OF \$3,400.00 AGAINST THE CITY OF ATLANTA TO BE PAID FROM ACCOUNT NUMBER 1A01-529017-T31001

ADOPTED BY

JUL 17 2000

APPROVED BY:

Rosalind Rubens Newell
AS COMMANDED

ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair *C. T. Mants*
 Referred to _____

Committee *P. S. Kelly*
 Date *7/11/00*
 Chair *C. T. Mants*
 Action: Fav, Adv, Hold (see rev. side)
 Other: _____
 Members *Chapman, ...*
 Refer To _____

Committee _____
 Date _____
 Chair _____
 Action: _____
 Fav, Adv, Hold (see rev. side) _____
 Other: _____
 Members _____
 Refer To _____

FINAL COUNCIL ACTION
 2nd
 1st & 2nd
 3rd
 Consent
 V Vote
 RC Vote

CERTIFIED

CERTIFIED
JUL 17 2000

CERTIFIED
JUL 17 2000

Rosalind Rubens Newell
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JUL 26 2000

WITHOUT SIGNATURE
BY OPERATION OF LAW



CITY COUNCIL
ATLANTA, GEORGIA

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BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

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00- R -1059

WHEREAS, 1898 Wycliff Road Condominium Association, Inc., has filed a claim against the City of Atlanta seeking damages to its property; and

WHEREAS, property owned by 1898 Wycliff Road Condominium Association, Inc. has been damaged due to a storm sewer overflow due to the collapse of a storm sewer. The City had knowledge of the collapsed storm sewer prior to the overflow which occurred July 11, 1999; and

WHEREAS, the City of Atlanta was on notice of said nuisance and yet the City failed to abate said nuisance; and

WHEREAS, inasmuch as the facts disclosed indicate said claim is not based on a claim of negligence, but is a nuisance which is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

WHEREAS, the claimant has asserted damages in the amount of \$3,400.00 and has agreed to accept this sum in full and complete satisfaction and settlement of its claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of 1898 Wycliff Road Condominium Association, Inc., be settled for the sum of \$3,400.00.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$3,400.00 be paid by the City of Atlanta to 1898 Wycliff Road Condominium Association, Inc., in satisfaction of any and all claims 1898 Wycliff Road Condominium Association, Inc. may have stemming from damages sustained to its building on or about July 11, 1999, at 1898 Wycliff Road Condominium Association, Inc., and that the City Attorney prepare appropriate releases.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to pay the above mentioned sum from account number 1A01 529017 T31001.

OMC - Amendment Incorporated by tcp 7/20/00

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED as amended by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

JULY 17, 2000

JULY 26, 2000

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0019

Date: June 20, 2000

Claimant /Victim 1898 Wycliff Road Condominium Association, Inc.
BY: (Atty) (Ins. Co.) C/O Community Management Associates
Address: 1465 Northside Drive, Suite 123, Atlanta, GA 30318
Subrogation: Claim for Property damage \$ 3,400.00 Bodily Injury \$
Date of Notice: 01-10-99 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 07-08-99 and 07-11-99 Place: 1898 Wycliff Road, NW
Department Public Works Division: Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant sustained property damage in the above-listed amount when storm water flooded the basement of its condominium. An investigation determined that the flooding was caused by a collapsed City storm drain line. The City had prior knowledge of this condition and had failed to adequately remedy it.

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 X
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,

[Signature]
INVESTIGATOR - DOBBS JORDAN

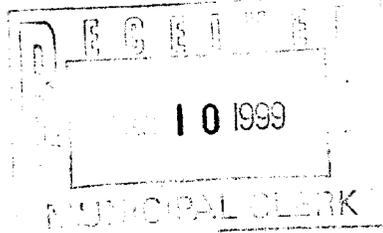
RECOMMENDATION:

Pay \$ 3,400.00 Adverse Account charged: 1A01 X 2J01 2H01
Claims Manager: [Signature] Concur/date 06-21-00
Committee Action: Council Action

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

JORDAN
01/12/00
Di



Today's Date: 12/10/99

ENTERED - 1-13-00 - SB
00L0019 - DOBBS JORDAN

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 3400⁰⁰ property and/or \$ bodily injury for which I contend the City is liable.

1. Date of incident: July 6, 1999 2. Time of Incident: July 11, 1999 3. Police called: Yes No
(month/day/year)

4. Location of incident (including street address): 1898 WYCLIFF RD N.W. ATLANTA, GA. 30309

5. Name of your insurance company: _____ Policy No. _____

6. State what and how incident occurred: CITY STORM SEWER, WHICH RUNS UNDER THE BUILDING COLLAPSED & WATER ERUPTED THROUGH THE BASEMENT.

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 (copy of the current tag receipt or title). N/A

Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)

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

9. Witness: _____
(Name) (Address) (Telephone Number)

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. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

John Blady Agent for 1898 Wycliff Rd
Signature of Claimant Condominium Association, Inc.

1898 WYCLIFF ROAD CONDOMINIUM ASSOC. INC.
(Print Claimant's Name)

C/O COMMUNITY MANAGEMENT ASSOCIATES
1465 NORTHSIDE DR., SUITE 128
(Address)

ATLANTA, GA. 30318
(City, State and Zip Code)

404-352-5470 _____
(Work Number) (Home Number)