

00- R-1266

(Do Not Write Above This Line)

A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF THE CLAIM OF JOHN C. BURNETTE IN THE AMOUNT OF \$2,295.00 AGAINST THE CITY OF ATLANTA ARISING FROM A STORM SEWER OVERFLOW.

By: *Rosalind Rubens Newell*
Rosalind Rubens Newell
Deputy City Attorney

ADOPTED BY

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER SEP 0 5 2000
- 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 *Pat M...*
 Referred to _____

P.S. Committee

Date 8/15/00

Chair *C. Tim...*

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

[Handwritten signatures]

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

- 2nd
- 1st & 2nd Readings
- Consent
- V Vote
- RC Vote
- 3rd

CERTIFIED

CERTIFIED
SEP 5 2000

CERTIFIED
SEP 0 5 2000

Rosalind Rubens Newell
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

SEP 1 4 2000

WITHOUT SIGNATURE
BY OPERATION OF LAW



CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF THE CLAIM OF JOHN C. BURNETTE IN THE AMOUNT OF \$2,295.00 AGAINST THE CITY OF ATLANTA ARISING FROM A STORM SEWER OVERFLOW.

00-*R*-1266

WHEREAS, JOHN C. BURNETT has filed a claim against the City of Atlanta seeking damages arising out of a storm water overflow to his property located at 556 Tift Street; and

WHEREAS, property owned by JOHN C. BURNETTE has been damaged due to several storm water and storm sewer overflows caused by blocked storm drains during heavy rainfall, to which the City had knowledge of and has made a number of attempts to improve storm water flow prior to the February 15, 2000 occurrence; and

WHEREAS, the City of Atlanta was on notice of said nuisance and made an attempt, however unsuccessful, 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 \$2,295.00 and has agreed to accept this sum in full and complete satisfaction and settlement of his claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of JOHN C. BURNETTE, be settled for the sum of \$2,295.00.

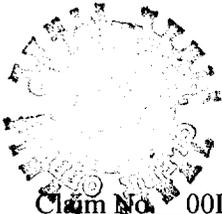
THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$2,295.00 be paid by the City of Atlanta to JOHN C. BURNETTE, in satisfaction of any and all claims he may have stemming from damages sustained to his property on or about February 15, 2,000, at 556 Tift Street, and that 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.

A true copy,
Phonda Daughin Johnson
Municipal Clerk, CMC

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

SEP 05, 2000
SEP 14, 2000



DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0167

Date: August 3, 2000

Claimant /Victim JOHN C. BURNETTE
BY: (Atty) (Ins. Co.)
Address: 556 Tift Street, Atlanta, Georgia 30315
Subrogation: X Claim for Property damage \$ 2,295.00 Bodily Injury \$
Date of Notice: 3/20/00 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 2/15/00 Place: 556 Tift Street
Department PUBLIC WORKS Division Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant's warehouse sustained damages from a storm sewer overflow which the City had knowledge of but failed to permanently correct the problem. (See claim #96L0415 for prior overflow dates)

INVESTIGATION:

Statements: City employee X Claimant X Others Written Oral X
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,

INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 2,295.00 Adverse Account charged: 1A01 X 2J01 2H01
Claims Manager: Concur/date 0803-00
Committee Action: Council Action

BURNS
03/20/00

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK

City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: _____

ENTERED - 3-22-00 - SB
00L0167 - GWEN BURNS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 2,295.00 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 2/15/00
(month/day/year)

2. Police called: X
Yes No

3. Location of incident: 556 Tift Street

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

5. State what and how incident occurred: Sewer back up in wave house

6. 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 (copy of the current tag receipt or title).

Your vehicle: _____
(make) (year) (tag number) (driver's name)

City vehicle: _____
(make) (City driver's name) (department/bureau)

Witness: _____
(name) (address) (telephone number)

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 employees).

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

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

WEEKEND OF
FEB. 4-6-1200

RAW SEWAGE
BACKUP
IN WAREHOUSE

John B. Burnett
(claimant's name)

556 TIFT ST
(address)

ATLANTA GA 30315
(city and state)

404-622-3545
(work number)

404-580-1356 (home number)

RCS# 2194
9/05/00
2:17 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-12

Adopt

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty
Y Starnes
NV Bond
Y Winslow

Y Dorsey
NV Woolard
Y Morris
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

Y Thomas
Y Emmons
Y Alexander
NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-1007
00-R-1309

CONSENT

09/05/00 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1102	40. 00-R-1235
2. 00-O-1143	41. 00-R-1245
3. 00-O-1207	42. 00-R-1246
4. 00-O-1295	43. 00-R-1247
5. 00-O-1303	44. 00-R-1248
6. 00-O-1313	45. 00-R-1249
7. 00-O-1124	46. 00-R-1250
8. 00-O-1125	47. 00-R-1251
9. 00-O-1126	48. 00-R-1252
10. 00-O-1127	49. 00-R-1253
11. 00-O-1128	50. 00-R-1254
12. 00-O-1133	51. 00-R-1255
13. 00-O-1196	52. 00-R-1256
14. 00-O-1298	53. 00-R-1257
15. 00-O-1122	54. 00-R-1258
16. 00-O-1300	55. 00-R-1259
17. 00-R-1198	56. 00-R-1260
18. 00-R-1230	57. 00-R-1261
19. 00-R-1290	58. 00-R-1262
20. 00-R-1312	59. 00-R-1263
21. 00-R-1316	60. 00-R-1264
22. 00-R-1265	
23. 00-R-1266	
24. 00-R-1267	
25. 00-R-1268	
26. 00-R-1270	
27. 00-R-1314	
28. 00-R-1229	
29. 00-R-1233	
30. 00-R-0886	
31. 00-R-1236	
32. 00-R-1237	
33. 00-R-1238	
34. 00-R-1239	
35. 00-R-1240	
36. 00-R-0241	
37. 00-R-1242	
38. 00-R-1243	
39. 00-R-1244	