

00- R -1395

(Do Not Write Above This Line)

A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF THE CLAIM OF STANLEY RIDEN IN THE AMOUNT OF \$5,350.00 AGAINST THE CITY OF ATLANTA ARISING FROM A SEWER BACK UP

By: 
Robert N. Godfrey
Deputy City Attorney

ADOPTED BY

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

SEP 18 2000

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred 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

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

Readings

CERTIFIED

CERTIFIED
 SEP 18 2000
Richard D. Johnson
 MUNICIPAL CLERK

CERTIFIED
 SEP 18 2000
Richard D. Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

SEP 27 2000

WITHOUT SIGNATURE BY OPERATION OF LAW



A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF THE CLAIM OF STANLEY RIDEN IN THE AMOUNT OF \$5,350.00 AGAINST THE CITY OF ATLANTA ARISING FROM A SEWER BACK UP.

00- R -1395

WHEREAS, STANLEY RIDEN has filed a claim against the City of Atlanta seeking damages arising out of a sanitary sewer back up to his property located at 2400 Omaha Road, SW, Atlanta, Georgia; and

WHEREAS, property owned by STANLEY RIDEN has been damaged due to sewer back ups and sewer overflows due to the blockage of the mainline. This blockage is due to an accumulation of grease, sludge and roots which the City had knowledge of prior to the back up which occurred on March 2, 2000 specifically; 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 claimants have asserted damages in the amount of \$5,350.00 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 STANLEY RIDEN, be settled for the sum of \$5,350.00.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$5,350.00 be paid by the City of Atlanta to STANLEY RIDEN, in satisfaction of any and all claims he may have stemming from damages sustained to his property on or about March 2, 2000, at 2400 Omaha Road, SW, 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 2J01/529017/T31001.

A true copy,

Deputy Municipal Clerk

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

September 18, 2000
September 27, 2000



DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0152

Date: August 31, 2000

Claimant /Victim STANLEY RIDEN
BY: (Atty) (Ins. Co.)
Address: 2400 Omaha Road, SW, Atlanta, Georgia 30331
Subrogation: Claim for Property damage \$ 5,350.00 Bodily Injury \$
Date of Notice: 3/7/00 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 8/8/95, 8/18/95, 5/5/98, 3/2/00 Place: 2400 Omaha Road, SW
Department PUBLIC WORKS Division Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant sustained property damages to his residence from a sanitary sewer back up. An investigation determined that the City was on notice of said sewer problem at this location prior to the March 2, 2000 occurrence, but failed to correct it.

INVESTIGATION:

Statements: City employee Claimant X Others Written Oral X
Pictures Diagrams Reports: Police Dept Report X Other X
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,

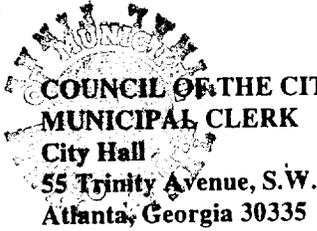
Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 5,350.00 Adverse Account charged: 1A01 2J01 X 2H01
Claims Manager: Concur/date 09-01-00
Committee Action: Council Action

TRUCK ARRIVAL 12:55 PM DEPARTURE 1:35 PM

LORENZO DORCEY
SUPERVISOR
Reeves
Today's Date: 3-2-00 03/07/00



RE: CLAIM FOR DAMAGES

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

ENTERED - 3-9-00 - SB RECEIVED MAR 7 2000
00L0152 - MIKE REEVES

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 4500.00 property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: 3-2-00 2. Time of Incident: 12:55pm 3. Police called: _____
(month/day/year). Yes No

4. Location of incident (including street address): 2400 OMAHA ROAD, ATLANTA GA 30331

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

6. State what and how incident occurred: CITY SEWAGE LINES STOPPED UP AND BACK FLOWED INTO MY BASEMENT DRAINS ONTO MY FLOORS THROUGH MY FIXTURES (COMMODE, SHOWER STALL DRAIN). THE CARPET IS CONTAMINATED WITH SEWAGE. THE SHEET ROCK WALLS ARE EXPOSED TO SEWAGE DAMAGE. THE SEWAGE ROSE OVER MY CONCRETE SLAB.

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).

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.

Stanley Riden
Signature of Claimant

STANLEY RIDEN
(Print Claimant's Name)

2400 OMAHA ROAD
(Address)

ATLANTA GA 30331
(City, State and Zip Code)

404-730-5967 404-629-2443
(Work Number) (Home Number)



Stanley Riden
2400 Omaha Road SW
Atlanta, GA 30331
404 629-0478

Council of The City of Atlanta
Municipal Clerk City Hall
55 Trinity Ave S.W.
Atlanta, Georgia 30335

3-6-00

Dear Sirs:

On 3/2/2000 it was discovered by P. S Andrews a home warranty company, there was a main line stoppage at city connection at 2400 Omaha Road S.W. Atlanta, Georgia.

See enclosed form received from the Municipal Clerks' office for detailed damages. The basement fixtures were completely contaminated with sewage and left a foul order throughout the house. I need not emphasize the inconvenience and limitations this has placed on my family's living conditions.

I would appreciate your expeditious attention in sending out a representative from your office to evaluate this situation.

Sincerely,

Stanley Riden
Home Owner



GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 00L0152

\$ 5,350.00

IN CONSIDERATION of the sum of FIVE THOUSAND THREE HUNDRED FIFTY DOLLARS AND no/100 DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City, its officers and employees, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly for or on account of a property damage incident - sewer back up which occurred on or about the 2nd day of March, 2000, at or near 2400 Omaha Road

It is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this instrument.

WITNESS my hand and seal this 29th day of August, 2000

Stanley Riden (LS)
Stanley Riden

_____ (LS)

The above release was read and explained to, and signed by the said _____ in our presence on the date above written.

Stanley Riden
(Stanley Riden)
Ray W. Baker
Shirley Webb
WITNESSES

RCS# 2218
9/18/00
2:15 PM

Atlanta City Council

Regular Session

CONSENT

PAGES: 1-19

ADOPT

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

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty
Y Starnes
Y Bond
Y Winslow

Y Dorsey
NV Woolard
Y Morris
Y Muller

Y Moore
B Martin
Y Maddox
Y Boazman

Y Thomas
Y Emmons
Y Alexander
NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-R-1321
00-R-1322
00-R-1388
00-O-1435

CORRECTED COPY

CONSENT

		09/18/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA		ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1234	41. 00-R-1352	51. 00-R-1357
2. 00-O-1007	42. 00-R-1353	52. 00-R-1358
3. 00-O-1015	43. 00-R-1397	53. 00-R-1359
4. 00-O-1427	44. 00-R-1398	54. 00-R-1360
5. 00-O-1429	45. 00-R-1399	55. 00-R-1362
6. 00-O-1432	46. 00-R-1400	56. 00-R-1363
7. 00-R-1387	47. 00-R-1401	57. 00-R-1364
8. 00-R-1392	48. 00-R-1402	58. 00-R-1365
9. 00-R-1395	49. 00-R-1403	59. 00-R-1366
10. 00-R-1452	50. 00-R-1404	60. 00-R-1367
11. 00-R-1340		61. 00-R-1368
12. 00-R-1323		62. 00-R-1369
13. 00-R-1433		63. 00-R-1370
14. 00-R-0560		64. 00-R-1371
15. 00-R-0561		65. 00-R-1372
16. 00-R-1454		66. 00-R-1373
17. 00-R-1299		67. 00-R-1374
18. 00-R-1308		68. 00-R-1375
19. 00-R-1334		69. 00-R-1376
20. 00-R-1335		70. 00-R-1377
21. 00-R-1338		71. 00-R-1378
22. 00-R-1394		72. 00-R-1379
23. 00-R-1331		73. 00-R-1380
24. 00-R-1330		74. 00-R-1381
25. 00-R-1332		75. 00-R-1382
26. 00-R-1333		76. 00-R-1383
27. 00-R-1337		77. 00-R-1384
28. 00-R-1339		78. 00-R-1385
29. 00-R-1419		79. 00-R-1386
30. 00-R-1426		80. 00-R-1405
31. 00-R-1342		81. 00-R-1406
32. 00-R-1343		82. 00-R-1407
33. 00-R-1344		83. 00-R-1408
34. 00-R-1345		84. 00-R-1409
35. 00-R-1346		85. 00-R-1410
36. 00-R-1347		86. 00-R-1411
37. 00-R-1348		87. 00-R-1412
38. 00-R-1349		88. 00-R-1413
39. 00-R-1350		
40. 00-R-1351		