

Entered - 10/09/00 - sb  
CL00L0606 - DIANNE C. MITCHELL

00- R -2019

CLAIM OF: **PAUL LOVELESS**  
4140 Jeffrey Drive  
College Park, Georgia 30349

For damages alleged to have been sustained as a result of property damage due to sewer back ups on August 16, 2000, August 25, 2000 and September 8, 2000 at 2345 Macon Drive.

BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **PAUL LOVELESS** the sum of **\$1,470.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of property damage due to sewer back ups on August 16, 2000, August 25, 2000 and September 8, 2000 at 2345 Macon Drive as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

CERTIFIED  
JAN 2 2001

CERTIFIED  
JAN 0 2 2001  
Rhonda Daughlin Johnson  
MUNICIPAL CLERK

REPORT  
Public Safety  
12/12/00  
C. T. Martin  
Dany Stephens  
Cleta Henderson  
[Signature]

ADOPTED BY  
JAN 0 2 2001  
COUNCIL

APPROVED  
JAN 1 0 2001  
MUTUALITY STATE  
DEPARTMENT OF LAW

**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**00-R-2019**

**A RESOLUTION**

**BY PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE**

**BE IT RESOLVED BY** the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Paul Loveless** in the sum of **\$1,470.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of **property damage due to sewer back ups on August 16, 2000. August 25, 2000 and September 8, 2000 at 2345 Macon Drive** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

*Rhonda Daughkin Johnson*  
Municipal Clerk, CMC

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

JAN 02, 2001

JAN 10, 2001

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0606

Date: December 1, 2000

Claimant /Victim PAUL LOVELESS

BY: (Atty)(Ins. Co.)

Address: 4140 Jeffrey Drive, College Park, Georgia 30349

Subrogation: Claim for Property damage \$ 1,470.00 Bodily Injury \$

Date of Notice: 09/19/00 Method: Written, proper X Improper

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

Date of Occurrence 08/16/00, 08/25/00 & 09/08/00 Place: 2345 Macon Drive

Department Public Works Division: Sewer Operations

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant incurred property damage due to a series of sewer back ups. The City was on notice of a problem with the sewer and was unable to correct it after the first 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 X

City not involved Offer rejected Compromise settlement

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

Claimant Negligent X City Negligent Joint Claim Abandoned

Respectfully submitted,

[Signature] INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 1,470.00 Adverse Account charged: 1A01 2J01 X 2H01

Claims Manager: [Signature] Concur/date 12-01-00

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

Mitchell  
10/09/00

Today's Date: 9/11/2000

SEP 19

09-19-00 12:59 RCVD

Dear Municipal Clerk:

ENTERED - 10-9-00 - SB

00L0606 - DIANNE MITCHELL

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1,470 property and/or  
\$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: 8/16, 8/25/9/8 (month/day/year). 2. Time of Incident: 11:25<sup>pm</sup>, 12:27<sup>am</sup> + 11:14<sup>am</sup> 3. Police called: \_\_\_\_\_ Yes  No

4. Location of incident (including street address): 2345 Macen Dr, Atlanta, GA. 30354

5. Name of your insurance company: State Farm Policy No. 91-35-7883-2

6. State what and how incident occurred: main city sewer line stepped-up causing water and sewage to back up in bottom apt; tub + toilet over ran spilling water + sewage in bath room, bedroom and all the way down the hall and out the door. Two of your employees, Mr. Burdett + Mr. Leray Foreman

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: Mr. Burdett + Mr. Leray Foreman, Sewer Dept. 624-0751  
(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.

Paul Loveless  
Signature of Claimant

PAUL Loveless  
(Print Claimant's Name)

4140 Jefferson Dr.  
(Address)

College Park, GA. 30349  
(City, State and Zip Code)

(404) 768-3972  
(Work Number) (Home Number)

00-R-2019

RCS# 2499  
1/02/01  
2:34 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-13

ADOPT

YEAS: 13/14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	NV Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
00-R-1944  
00-R-2059

CONSENT

		01/02/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1107 2. 00-O-2068 3. 00-O-1866 4. 00-O-1888 5. 00-O-1876 6. 00-O-1884 7. 00-O-1889 8. 00-O-2053 9. 00-O-2063 10. 00-O-2076 11. 00-O-1564 12. 00-O-2014 13. 00-O-2061 14. 00-R-1226 15. 00-R-1954 16. 00-R-2036 17. 00-R-2037 18. 00-R-2038 19. 00-R-2058 20. 00-R-2060 21. 00-R-2091 22. 00-R-2045 23. 00-R-1459 24. 00-R-2048 25. 00-R-2049 26. 00-R-2050 27. 00-R-2077 28. 00-R-2102 29. 00-R-2046 30. 00-R-2047 31. 00-R-2093 32. 00-R-2094 33. 00-R-2095 34. 00-R-2096 35. 00-R-2097 36. 00-R-2018 37. 00-R-2019 38. 00-R-2020 39. 00-R-2021 40. 00-R-2022	41. 00-R-2023 42. 00-R-2024 43. 00-R-2025	44. 00-R-2026 45. 00-R-2027 46. 00-R-2028 47. 00-R-2029 48. 00-R-2030 49. 00-R-2031 50. 00-R-2032 51. 00-R-2033 52. 00-R-2034 53. 00-R-2035