

CITY COUNCIL
ATLANTA, GEORGIA

01-*R*-0565

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF \$3,000.00 IN SETTLEMENT OF THE CLAIM OF MAMIE E. MCCRARY LESTER ON BEHALF OF THE ESTATE OF CLELLIE G. MCCRARY AGAINST THE CITY OF ATLANTA AND FOR OTHER PURPOSES

WHEREAS, MAMIE E. MCCRARY LESTER ON BEHALF OF THE ESTATE OF CLELLIE G. MCCRARY has filed a claim against the City of Atlanta seeking damages arising out several occurrences of sewer back ups to her property located at 3470 Heritage Valley Road; and

WHEREAS, property owned by **CLELLIE G. MCCRARY** was damaged due to several occurrences of sewer back ups which occurred on August 11, 1995, September 25, 1997 and December 25, 1998; 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 **\$3,000.00** and has agreed to accept this sum in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of **MAMIE E. MCCRARY LESTER ON BEHALF OF THE ESTATE OF CLELLIE G. MCCRARY** be settled for the sum of **\$3,000.00**.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that resolution number 00-R-1938 be hereby rescinded and that **\$3,000.00** be paid by the City of Atlanta in satisfaction of any and all claims **MAMIE E. MCCRARY LESTER ON BEHALF OF THE ESTATE OF CLELLIE G. MCCRARY** owner of property located at 3470 Heritage Valley Road may have stemming from damages sustained to her property on August 11, 1995, September 27, 1997 and December 25, 1998.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 2J01/529017/T31001.

A true copy,

Ronda Daughlin Johnson
Municipal Clerk, CMC

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

MAY 07, 2001

MAY 16, 2001

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 97L0641 & 99L0059

Date: March 29, 2001

Claimant/Victim MAMIE E. MCCRARY LESTER ON BEHALF OF THE ESTATE OF CLELLIE G. MCCRARY

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

Address: 3604 Greentree Farms Drive, Decatur, Georgia 30034

Subrogation: _____ Claim for Property damage \$ 3,000.00 Bodily Injury \$ _____

Date of Notice: 10/03/97 & 01/04/99 Method: Written, proper X Improper _____

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

Date of Occurrence 08/11/95, 09/25/97 & 12/25/98 Place: 3470 Heritage Valley Road

Department Public Works Division: Sewer Operations

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimants property was damaged due to several occurrences of sewer back ups. The City was on notice of this problem prior to the events occurring on September 25, 1997 and December 27, 1998.

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,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 3,000.00 Adverse _____ Account charged: 1A01 _____ 2J01 X 2H01 _____

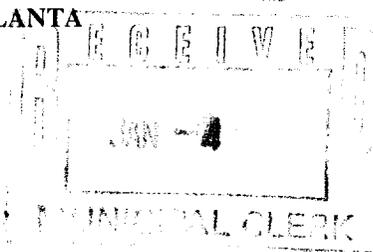
Claims Manager:  Concur/date 03-29-01

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
~~Oliver~~
01/07/99
[Signature]



Today's Date: 12-29-98

Dear Municipal Clerk:

ENTERED - 2-10-99 - SB
99L0059 - DIANNE MITCHELL

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 3,000.00 property ^{and labor} and for
\$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: 12-25-98 (month/day/year). 2. Time of Incident: 3:00a.m 3. Police called: Yes No

4. Location of incident (including street address): 3470 Heritage Valley Rd. Atlanta, Ga 30331

5. Name of your insurance company: State Farm Ins. Policy No. 11-E1-8432-0

6. State what and how incident occurred: This is the third incident that that has occurred to my residence. The city has not saw fit to replace any carpet or damage to my property caused by them. This injustice to me is unfair as a senior citizen. I do not think that I have to be subjected to this kind of unsanitary condition due to my illness.

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.

Clellie G. McCrary
Signature of Claimant

Clellie G. McCrary
(Print Claimant's Name)

3470 Heritage Valley Rd
(Address)

Atlanta, Ga. 30331
(City, State and Zip Code)

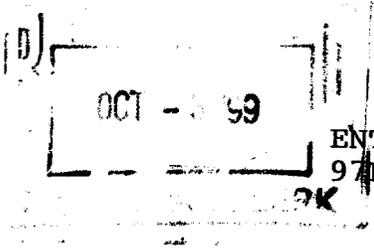
(404) 344-1975
(Work Number) (Home Number)

* See attached copy

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

RE: CLAIM FOR DAMAGES

OCT 15
10/17/97
Dun



Today's Date: 10/11/97

ENTERED - 11/13/097 - tew
97L0641 - ANTHONY G. OAITIS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 3000.00 property and /or \$ 500.00 bodily injury for which I contend the City is liable.

1. Date of incident: 9/25/97 (month/day/year). 2. Time of Incident: When we Awaken 8:30 AM 3. Police called: Yes No

4. Location of incident (including street address): 3470 Heritage Valley Rd S.W. Atlanta, GA 30331

5. Name of your insurance company: State Farm Policy No. 0127-14358-27

6. State what and how incident occurred: When we Awaken The down stairs was Flooded with water and raw Sewage with back up From Street This the second Time this has happened due to The Negligence of The City

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.

X Chellie G. McCrary
Signature of Claimant

Chellie G. McCrary
(Print Claimant's Name)

3470 Heritage Valley Rd S.W.
(Address)

Atlanta, GA 30331
(City, State and Zip Code)

(Work Number) (Home Number)

President Pro Tem Bond Presided

RCS# 2838
5/07/01
4:44 PM

Atlanta City Council

Regular Session

CONSENT

PAGES 1 THRU 13

ADOPT

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

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

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

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0610

CONSENT

05/07/01 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

**ITEMS ADVERSED
ON CONSENT AGENDA**

1. 00-O-0264
2. 01-O-0603
3. 01-O-0604
4. 01-O-0612
5. 01-O-0529
6. 01-O-0608
7. 01-O-0623
8. 01-O-0624
9. 01-O-0593
10. 01-O-0482
11. 01-O-0548
12. 00-O-2056
13. 01-R-0575
14. 01-R-0576
15. 01-R-0577
16. 01-R-0578
17. 01-R-0579
18. 01-R-0580
19. 01-R-0648
20. 01-R-0581
21. 01-R-0574
22. 01-R-0594
23. 01-R-0595
24. 01-R-0617
25. 01-R-0491
26. 01-R-0571
27. 01-R-0572
28. 01-R-0602
29. 01-R-0565
30. 01-R-0644
31. 01-R-0552
32. 01-R-0553
33. 01-R-0554
34. 01-R-0555
35. 01-R-0556

36. 01-R-0557
 37. 01-R-0558
 38. 01-R-0559
 39. 01-R-0560
 40. 01-R-0561
 41. 01-R-0562
 42. 01-R-0563
 43. 01-R-0564
-

01-0565
 (Do Not Write Above This Line)

**A RESOLUTION
 BY PUBLIC SAFETY AND
 LEGAL ADMINISTRATION
 COMMITTEE**

**A RESOLUTION AUTHORIZING
 PAYMENT IN THE AMOUNT OF
 \$3,000.00 IN SETTLEMENT OF THE
 CLAIM OF MAMIE E. MCCRARY
 LESTER ON BEHALF OF THE ESTATE
 OF CLELLIE G. MCCRARY AGAINST
 THE CITY OF ATLANTA AND FOR
 OTHER PURPOSES**

APPROVED BY: ADOPTED BY

Rosalind Rubens Newell
MAY 07 2001
**ROSALIND RUBENS NEWELL,
 DEPUTY CITY ATTORNEY/COUNCIL**

- 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: _____

Committee _____
 Date _____
 Chair _____
 Referred to _____

Committee P.S. & L.A.
 Date 4/12/01
 Chair C. Williams
 Action: Fav, Adv, Hold (see rev. side)
 Other: _____
 Members: [Signature]
[Signature]

Refer To _____

Committee _____

Date _____

Chair _____

Action: _____

Fav, Adv, Hold (see rev. side) _____

Other: _____

Members _____

Refer To _____

First Reading _____

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
 Readings

Consent V Vote RC Vote

CERTIFIED

CERTIFIED

MAY 07 2001

[Signature]
COUNCIL PRESIDENT PROTEM

CERTIFIED

MAY 17 2001

[Signature]
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

MAY 16 2001

WITHOUT SIGNATURE
 BY OPERATION OF LAW