

A RESOLUTION

BY COUNCILMEMBER CATHY WOOLARJ *Clair Muller* 01-R-0820

**A RESOLUTION AUTHORIZING THE  
SETTLEMENT OF THE CLAIM OF STEVEN  
HORWITZ IN THE AMOUNT OF \$4,000.00  
AGAINST THE CITY OF ATLANTA**

**WHEREAS**, STEVEN HORWITZ has filed a claim against the City of Atlanta seeking property damages which resulted from a ruptured water line that occurred at 790 Ponce de Leon Avenue, NE, after a water main repair on Bonaventure Avenue, NE by United Water Services Atlanta, Inc., a contractor for the City of Atlanta; and

**WHEREAS**, United Water Services Atlanta, Inc. failed to restore water to the repaired main in a safe and correct manner; and

**WHEREAS**, United Water Services Atlanta, Inc. has been contracted by the City of Atlanta to perform its water services which are ministerial functions and, therefore, this claim is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

**WHEREAS**, it is the opinion of the City Attorney that United Water Services Atlanta, Inc. is responsible for the damages that occurred as a result of the work that it performed for the City and United Water Services Atlanta, Inc. has refused to compensate STEVEN HORWITZ, however, it is in the best interest of the City to pay this claim; and

**WHEREAS**, the claimant has asserted damages in the amount of \$4,000.00 and has agreed to accept this sum as full and complete satisfaction and settlement of his claim against the City of Atlanta; and

**WHEREAS**, the City of Atlanta will deduct the \$4,000.00 payment from future payments that will be made to United Water Services Atlanta, Inc. as a reimbursement for this claim.

**THEREFORE, BE IT RESOLVED** that the Council of the City of Atlanta, Georgia that \$4,000.00 be paid by the City of Atlanta to STEVEN HORWITZ, in satisfaction of any and all claims he may have stemming from property damages sustained by him on or about June 30, 2000, at 790 Ponce de Leon Avenue, NE, and that the City Attorney prepare appropriate releases to release the City of Atlanta only and to subrogate against United Water Services Atlanta, Inc. to recover all of claimant's damages.

**BE IT FURTHER RESOLVED** that the Chief Financial Officer is hereby authorized to pay the above mentioned sum from account number 2J01/529017/T31001 and deduct this amount from any payment due to United Water Services, Inc.

01-R-0820

(Do Not Write Above This Line)  
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BY COUNCILMEMBERS CATHY WOOLARD  
AND CLAIR MULLER

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SETTLEMENT OF THE CLAIM OF  
STEVEN HORWITZ IN THE AMOUNT  
OF \$4,000.00 AGAINST THE CITY OF  
ATLANTA

*Woolard is  
6/4/01 - Substitute Motion to  
File was Adopted by  
voice vote*

JUN 04 2001  
FILED BY  
CITY COUNCIL

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

Date Referred

*Public Safety*

Referred To:

*5/21/01*

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair *C. F. Muller*  
Referred to \_\_\_\_\_

Committee

Date

Chair

Action:

Fav. Adv, Hold (see rev. side)

Other:

Members

Refer To

*P.S. & CH*  
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  
JUN 4 2001

ATLANTA CITY COUNCIL PRESIDENT

*Richard A. Frazier*

CERTIFIED  
JUN 04 2001

*Rachel Douglas Johnson*  
MUNICIPAL CLERK

MAYOR'S ACTION