



A RESOLUTION

01- R-1391

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$1,903.10 IN SETTLEMENT OF THE CLAIM
OF WILLIE F. LITTLE AGAINST THE CITY OF ATLANTA**

WHEREAS, Willie F. Little has filed a claim against the City of Atlanta seeking damages arising out of several occurrences of sewer back ups to his property located at 3840 Branch Drive, SW; and

WHEREAS, the property owned by Willie F. Little has been damaged due to several occurrences of sewer back ups due to a blockage in the mainline which the City had knowledge of prior to the overflows which occurred on March 25, 2001, specifically; 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 \$1,903.10 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 Willie F. Little be settled for the sum of \$1,903.10.

THEREFORE, BE IT RESOLVED by the Council of the City of Atlanta, Georgia that \$1,903.10 be paid by the City of Atlanta in satisfaction of any and all claims Willie F. Little owner of property located at 3840 Branch Drive, SW may have stemming from damages sustained to his property on or about March 10 and 25, 2001.

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,

Rhonda Daughtrick Johnson
Municipal Clerk, CMC

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

SEP 17, 2001

SEP 26, 2001

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0232

Date: August 16, 2001

Claimant /Victim WILLIE F. LITTLE

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

Address: 3840 Branch Drive, SW, Atlanta, Georgia 30331

Subrogation: _____ Claim for Property damage \$ 1,903.10 Bodily Injury \$ _____

Date of Notice: 04/16/01 Method: Written, proper X Improper _____

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

Date of Occurrence 03/10 & 25/01 Place: 3840 Branch Drive, SW

Department Public Works Division: Sewer Operations

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant's property was damaged due to a series of sewer back ups into his property. The City was on notice of a problem with the sewer line prior to the incident of March 25, 2001.

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 _____

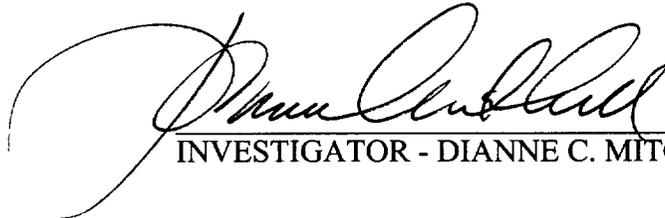
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X

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 \$ 1,903.10 Adverse _____ Account charged: 1A01 _____ 2J01 X 2H01 _____

Claims Manager:  Concur/date 08-20-01

Committee Action: _____ Council Action _____

MPHull
04/16/01

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: 4-10-01

Dear Municipal Clerk:

ENTERED - 4-17-01 - SB
0110232 - DIANNE MITCHELL

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1300 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 3-10-01 3-25-01 2. Time of Incident: _____ 3. Police called: _____
(month/day/ year) Yes No

4. Location of incident (including street address): 3840 Branch Dr S.W.

5. Name of your insurance company: All State Policy No. 031392813

6. State what and how incident occurred: Sewer line Back up
Water Damage in Base, To Carpet and
Linoleum Damage

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 acknowledgment 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.

Willie F. Little
Signature of Claimant

(Print Claimant's Name)
WILLIE F LITTLE
(Address)

3840 BRANCH DR S.W.
(City, State and Zip Code)

ATL GA 30331
(Work Number) (Home Number)

404-346 1940 Ext 255
404 696 1314
6900 x 7575

RCS# 3125
9/17/01
6:44 PM

Atlanta City Council

Regular Session

MULTIPLE

Public Safety Items 2-11

ADOPT

OR R-1391

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

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

MULTIPLE

01-*R* -1391

(Do Not Write Above This Line)

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**BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION
COMMITTEE**

**A RESOLUTION AUTHORIZING
PAYMENT IN THE AMOUNT OF
\$1,903.10 IN SETTLEMENT OF THE
CLAIM OF WILLIE F. LITTLE
AGAINST THE CITY OF ATLANTA**

APPROVED BY:

Rosalind Rubens Newell

**ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY**

**ADOPTED BY
SEP 17 2001**

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:

First Reading

Committee _____
 Date _____
 Chair *C. T. Martin*
 Referred to _____

Committee *Public Safety*
 Date *9/17/01*
 Chair *C. T. Martin*

Action: _____
 Fav, Adv, Hold (see rev. side)
 Other: _____

Members _____
[Signature]
 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
 Readings
 Consent V Vote RC Vote

CERTIFIED

CERTIFIED
 SEP 17 2001

CERTIFIED
 SEP 17 2001

[Signature]
DEPUTY MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

SEP 26 2001

WITHOUT SIGNATURE
BY OPERATION OF LAW