

Entered - 07-09-01 - sb
CL 01L0424 - GWENDOLYN BURNS

CLAIM OF: **THOMAS S. LOCKHART**
3092 Delmar Lane, NW
Atlanta, Georgia 30311

01-R-1395

For property damages alleged to have been sustained as a result of a sewer back up on June 14, 2001 at 3092 Delmar Lane, NW.

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 **THOMAS S. LOCKHART** the sum of **\$760.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for property damages alleged to have been sustained as a result of a sewer back up on June 14, 2001 at 3092 Delmar Lane, NW 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

Standing committees
AGENDA

ADOPTED BY
SEP 17 2001
COUNCIL

CERTIFIED
SEP 17 2001
ATLANTA CITY COUNCIL PRESIDENT
Robert J. Parker

CERTIFIED
SEP 17 2001

[Signature]
DEPUTY MUNICIPAL CLERK

FAVORABLE REPORT

COMM: *Public Safety*
DATE: *9/17/01*
CHAIR: *C. T. Martin*
Sherry Dossy
[Signature]
[Signature]

APPROVED

SEP 26 2001

WITHOUT SIGNATURE
BY OPERATION OF LAW



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

01-R-1395

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 **THOMAS S. LOCKHART** the sum of **\$760.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for property damages alleged to have been sustained as a result of a sewer back up on **June 14, 2001** at **3092 Delmar Lane, NW** 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.

A true copy,

Rhonda Doughton 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. 01L0424

Date: August 23, 2001

Claimant /Victim THOMAS S. LOCKHART
BY: (Atty) (Ins. Co.)
Address: 3092Delmar Lane, NW, Atlanta, Georgia 30311
Subrogation: Claim for Property damage \$ 760.00 Bodily Injury \$
Date of Notice: 7/9/01 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 6/14/01 Place: 3092Delmar Lane,NW
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, 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 \$ 760.00 Adverse Account charged: 1A01 2J01 X 2H01
Claims Manager: Concur/date 10-27-01
Committee Action: Council Action

RCS# 3122
9/17/01
6:38 PM

Atlanta City Council

Regular Session

MULTIPLE

01-R-1395

Claim Items 1 through 19

ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 1
ABSENT 0

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

MULTIPLE