

Entered - 03/02/01 - sb
CL01L0142 - DIANNE C. MITCHELL

CLAIM OF: **E. RICHARD STOUT**
3209 W. Roxboro Road, NE
Atlanta, Georgia 30324

01- R -1396

For damages alleged to have been sustained as a result of sewer back ups occurring between February 8 and February 9, 2001 at 3209 W. Roxboro Road, NE.

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 **E. RICHARD STOUT** the sum of **\$873.03** 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 a sewer back ups occurring between February 8 and February 9, 2001 at 3209 W. Roxboro Road, NE 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

APPROVED
SEP 26 2001

WITHOUT SIGNATURE
BY OPERATION OF LAW

CERTIFIED
SEP 17 2001
ATLANTA CITY COUNCIL PRESIDENT
Robert A. Rosen

CERTIFIED
SEP 17 2001

[Signature]
DEPUTY MUNICIPAL CLERK

FAVORABLE REPORT

COMM: Public Safety

DATE: 9/17/01

CHAIR: Co. Tom Allen

Sherry Dosey

[Signature]

[Signature]

[Signature]



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

01-R-1396

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 E. RICHARD STOUT the sum of \$873.03 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 a sewer back ups occurring between February 8 and February 9, 2001 at 3209 W. Roxboro Road, NE 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 Daphnia 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. 01L0142

Date: August 16, 2001

Claimant /Victim E. RICHARD STOUT

BY: (Atty)(Ins. Co.)

Address: 3209 W. Roxboro Road, NE, Atlanta, Georgia 30324

Subrogation: Claim for Property damage \$ 873.03 Bodily Injury \$

Date of Notice: 02/19/01 Method: Written, proper X Improper

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

Date of Occurrence 02/08 - 02/09/01 Place: 3209 W. Roxboro Road, NE

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 this incident.

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,

[Signature] INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 873.03 Adverse Account charged: 1A01 2J01 X 2H01

Claims Manager: [Signature] Concur/date 08-16-01

Committee Action: Council Action

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

Atlanta City Council

Regular Session

MULTIPLE

Claim Items 1 through 19

DI-R-1396

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