

Entered - 4-17-01 - sb
CL 01L0234 - GWENDOLYN BURNS

CLAIM OF: **KATHERINE CLARKE**
463 Blake Avenue, SE
Atlanta, Georgia 30316

01- R -1399

For property damages alleged to have been sustained as a result of a sanitary sewer back up on October 20, 2000 at 463 Blake Avenue, SE.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

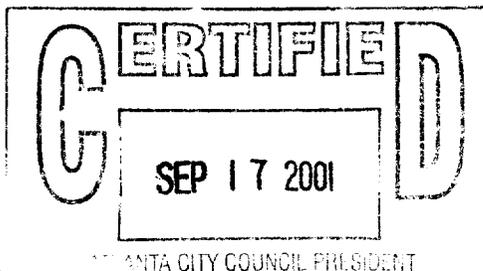
BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **KATHERINE CLARK** the sum of **\$1,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for property damages alleged to have been sustained as a result of a sanitary sewer back up on October 20, 2000 at 463 Blake Avenue, SE 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

ADOPTED BY
SEP 17 2001
COUNCIL

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

Standing committees
AGENDA



[Signature]
DEPUTY MUNICIPAL CLERK

FAVORABLE REPORT

COMM: *Public Safety*
DATE: *9/12/01*
CHAIR: *E. T. Monk*
Sherril Dorey
[Signature]

APPROVED
SEP 26 2001
WITHOUT SIGNATURE
BY OPERATION OF LAW

**MUNICIPAL CLERK
ATLANTA, GEORGIA**

01-R-1399

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 **KATHERINE CLARK** the sum of **\$1,000.00** 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 sanitary sewer back up on **October 20, 2000** at **463 Blake Avenue, SE** 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. 01L0234

Date: August 26, 2001

Claimant /Victim KATHERINE CLARKE
BY: (Atty) (Ins. Co.)
Address: 463 Blake Avenue, SE, Atlanta, Georgia 30316
Subrogation: Claim for Property damage \$ 2,500.00 Bodily Injury \$
Date of Notice: 4/16/01 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 10/20/00 Place: 463 Blake Avenue, SE
Department PUBLIC WORKS Division Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that she sustained damages to her 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. (See Claim # 98L0016)

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
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
City not involved Offer rejected Compromise settlement X
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 \$ 1,000.00 Adverse Account charged: 1A01 2J01 X 2H01
Claims Manager: Concur/date 08-30-01
Committee Action: Council Action

BURNS
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 *PC*
Today's Date: 10-20-00

Dear Municipal Clerk:

ENTERED - 4-17-01 - SB
0110234 - GWEN BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 2500.00 property and/or \$ _____ bodily injury for which I contend the City is liable.

- 1. Date of incident: 10-20-00 (month/day/year) 2. Time of Incident: Morning 3. Police called: Yes No
- 4. Location of incident (including street address): 463 Blake Ave. S.E. Atlanta, Ga. 30316
- 5. Name of your insurance company: _____ Policy No. _____
- 6. State what and how incident occurred: It was a bad Rain

Last 4 pairs Gym shoes 2 pairs boots, 4 pair Juliana shoes 2 pair work shoes, 3 pair Sandal, 5 pair Dress shoes
Lots of Clothes 2 leather coat xmas.

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.

Signature of Claimant

Katherine Clarke
 (Print Claimant's Name)

463 Blake ave S.E
 (Address)

Atlanta Ga 30316
 (City, State and Zip Code)

404-659-7972
 (Work Number) (Home Number)

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

Atlanta City Council

Regular Session

MULTIPLE

Claim Items 1 through 19

01-R-1399

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