

CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF THE CLAIM OF THOMAS GEORGE ASSOCIATES, LTD AS SUBROGEE OF CARLYLE M. JOHNSON IN THE AMOUNT OF \$2,896.87 AGAINST THE CITY OF ATLANTA ARISING FROM A SEWER BACK UP.

01-P -1561

WHEREAS, THOMAS GEORGE ASSOCIATES as subrogee of CARLYLE M. JOHNSON has filed a claim against the City of Atlanta seeking damages arising out of several sanitary sewer back ups to its insured's property located at 2417 Sagamore Drive, Atlanta, Georgia; and

WHEREAS, property owned by **CARLYLE M. JOHNSON** has been damaged due to sewer back ups resulting from the continuous malfunctioning of the City's Bolton Road Treatment facility; and

WHEREAS, the City of Atlanta was on notice of said nuisance and made several unsuccessful attempts 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 \$2,896.87 and has agreed to accept this sum in full and complete satisfaction and settlement of its claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of **THOMAS GEORGE ASSOCIATES** as subrogee of **CARLYLE M. JOHNSON**, be settled for the sum of \$2,896.87.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$2,896.87 be paid by the City of Atlanta to **THOMAS GEORGE ASSOCIATES** as subrogee of **CARLYLE M. JOHNSON**, in satisfaction of any and all claims it may have stemming from damages sustained to its insured's property on or about March 1, March 3, March 6, March 7 and March 16, 2000, at 2417 Sagamore Drive and that the City Attorney prepare appropriate releases.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to pay the above mentioned sum from account number 2J01/529017/T31001.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, GMC

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

OCT 01, 2001

OCT 10, 2001

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0512

Date: September 14, 2001

Claimant /Victim CARLYLE M. JOHNSON
BY: (Atty) (Ins. Co.) THOMAS GEORGE ASSOCIATES, LTD
Address: P. O. Box 30, East Northport, NY 11731-0030
Subrogation: X Claim for Property damage \$ 2,896.87 Bodily Injury \$
Date of Notice: 8/22/00 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 3/1, 3/3, 3/6, 3/7, ans 3/16/00 Place: 2417 Sagamore Drive
Department PUBLIC WORKS Division Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that he sustained damages to his residence from a series of sanitary sewer back ups. An investigation determined that the pumping system at the Bolton Road Treatment facility was malfunctioning and the City was on notice of said problem. After several attempts, the problem was finally corrected.

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
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,

[Signature]
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 2,896.87 Adverse Account charged: 1A01 2J01 X 2H01
Claims Manager: [Signature] Concur/date 09-14-01
Committee Action Council Action

RCS# 3142
10/01/01
1:54 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 14

ADOPT

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 2

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

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-1018

CONSENT

10/01/01 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 01-O-1570
2. 01-O-1571
3. 01-O-1354
4. 01-O-1488
5. 01-O-1335
6. 01-O-1336
7. 01-O-1337
8. 01-O-1342
9. 01-O-1343
10. 01-O-1344
11. 01-O-1345
12. 01-O-1346
13. 01-O-1119
14. 01-O-1351
15. 01-O-1572
16. 01-R-1588
17. 01-R-1273
18. 01-R-1276
19. 01-R-1428
20. 01-R-1456
21. 01-R-1471
22. 01-R-1499
23. 01-R-1580
24. 01-R-1581
25. 01-R-0921
26. 01-R-1561
27. 01-R-1584
28. 01-R-1521
29. 01-R-1522
30. 01-R-1523
31. 01-R-1524
32. 01-R-1525
33. 01-R-1526
34. 01-R-1527
35. 01-R-1528
36. 01-R-1545
37. 01-R-1546
38. 01-R-1547

**ITEMS ADVERSED
ON CONSENT AGENDA**

39. 01-R-1529
 40. 01-R-1530
 41. 01-R-1531
 42. 01-R-1532
 43. 01-R-1533
 44. 01-R-1534
 45. 01-R-1535
 46. 01-R-1536
 47. 01-R-1537
 48. 01-R-1538
 49. 01-R-1539
 50. 01-R-1540
 51. 01-R-1541
 52. 01-R-1542
 53. 01-R-1543
 54. 01-R-1544
 55. 01-R-1548
 56. 01-R-1549
 57. 01-R-1550
 58. 01-R-1551
 59. 01-R-1552
 60. 01-R-1553
 61. 01-R-1554
 62. 01-R-1555
 63. 01-R-1556
 64. 01-R-1557
 65. 01-R-1558
 66. 01-R-1559
 67. 01-R-1560
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01-~~2~~-1561

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A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF THE CLAIM OF THOMAS GEORGE ASSOCIATES as subrogee of CARLYLE M. JOHNSON IN THE AMOUNT OF \$2,896.87 AGAINST THE CITY OF ATLANTA ARISING FROM SEVERAL SEWER BACK UPS

By: 
Robert N. Godfrey
Deputy City Attorney

ADOPTED BY

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

OCT 01 2001

COUNCIL

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred to _____

Committee Public Safety
 Date 9/25/01
 Chair Celia Thomas
 Action: Fav, Adv, Hold (see rev. side)
 Other: _____
 Members Sheila Berry
 Refer To _____

Committee _____
 Date _____
 Chair _____
 Action: Fav, Adv, Hold (see rev. side)
 Other: _____
 Members _____
 Refer To _____

FINAL COUNCIL ACTION
 2nd
 1st & 2nd Readings
 3rd
 Consent
 V Vote
 RC Vote

CERTIFIED

CERTIFIED
 OCT 01 2001

 COUNCIL PRESIDENT PROTEM

CERTIFIED
 OCT 01 2001


MAYOR'S ACTION

APPROVED

OCT 10 2001

APPROVED BY MAYOR