

A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

02-*R*-0009

**A RESOLUTION AUTHORIZING THE  
SETTLEMENT OF THE CLAIM OF JOHN C.  
BURDETTE IN THE AMOUNT OF \$2,300.00  
AGAINST THE CITY OF ATLANTA  
ARISING FROM A STORM SEWER  
OVERFLOW**

**WHEREAS**, JOHN C. BURDETTE has filed a claim against the City of Atlanta seeking damages arising out of a storm water overflow to his property located at 556 Tift Street; and

**WHEREAS**, property owned by JOHN C. BURDETTE has been damaged due to several storm water and storm sewer overflows caused by blocked storm drains during heavy rainfall, to which the City had knowledge of and has made a number of attempts to improve storm water flow prior to the June 4, 2001 occurrence; and

**WHEREAS**, the City of Atlanta was on notice of said nuisance and made an attempt, however unsuccessful, 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

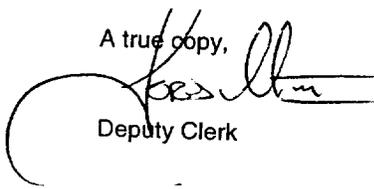
**WHEREAS**, the claimant has asserted damages in the amount of \$2,300.00 and has agreed to accept this sum in full and complete satisfaction and settlement of his claim against the City of Atlanta; and

**WHEREAS**, the City Attorney has recommended that the claim of JOHN C. BURDETTE, be settled for the sum of \$2,300.00.

**THEREFORE, BE IT RESOLVED** that the Council of the City of Atlanta, Georgia that \$2,300.00 be paid by the City of Atlanta to JOHN C. BURDETTE, in satisfaction of any and all claims he may have stemming from damages sustained to his property on or about June 4, 2001, at 556 Tift Street, 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 1A01/529017/T31001.

A true copy,

  
Deputy Clerk

**ADOPTED** by the Council  
**APPROVED** by the Mayor

JAN 22, 2002  
JAN 29, 2002



DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0445

Date: January 4, 2002

Claimant /Victim JOHN C. BURDETTE
BY: (Atty) (Ins. Co.)
Address: 95 Milton Avenue, SE, Atlanta, Georgia 30315
Subrogation: Claim for Property damage \$ 2,300.00 Bodily Injury \$
Date of Notice: 7/10/01 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 6/4/01 Place: 556 Tift Street
Department PUBLIC WORKS Division Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant sustained damage to his rental property from a storm sewer overflow. An investigation determined that the City was on notice of said problem but failed to permanently correct it.

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
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 \$ 2,300.00 Adverse Account charged: 1A01 X 2J01 2H01
Claims Manager Concur/date 01-04-02
Committee Action: Council Action

RCS# 3405  
1/22/02  
1:28 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1 through 9

ADOPT

**SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA**

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT

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01/22/02 Council Meeting

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**ITEMS ADOPTED ON  
CONSENT AGENDA**

1. 02-O-0085
2. 02-R-0003
3. 02-R-0007
4. 02-R-0008
5. 02-R-0009
6. 02-R-0036
7. 02-R-0038
8. 02-R-0010
9. 02-R-0031
10. 02-R-0032
11. 02-R-0033
12. 02-R-0034
13. 02-R-0094
14. 02-R-0095
15. 02-R-0096
16. 02-R-0097

**ITEMS ADVERSED ON  
CONSENT AGENDA**

17. 02-R-0011
  18. 02-R-0012
  19. 02-R-0013
  20. 02-R-0014
  21. 02-R-0015
  22. 02-R-0016
  23. 02-R-0017
  24. 02-R-0018
  25. 02-R-0019
  26. 02-R-0020
  27. 02-R-0021
  28. 02-R-0022
  29. 02-R-0023
  30. 02-R-0024
  31. 02-R-0025
  32. 02-R-0026
  33. 02-R-0027
  34. 02-R-0028
  35. 02-R-0029
  36. 02-R-0030
  37. 02-R-0098
  38. 02-R-0099
  39. 02-R-0100
  40. 02-R-0101
  41. 02-R-0102
  42. 02-R-0103
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02-12-0009

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A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF THE CLAIM OF JOHN C. BURDETTE IN THE AMOUNT OF \$2,300.00 AGAINST THE CITY OF ATLANTA ARISING FROM A STORM SEWER OVERFLOW.

By: Rosalind R. Newell Deputy City Attorney

ADOPTED BY JAN 22 2002

- 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:

Committee
Date
Chair
Referred 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
JAN 22 2002
ATLANTA CITY COUNCIL PRESIDENT
Catherine W. Woodard

CERTIFIED
JAN 22 2002
Rosalind Rubens Newell
MUNICIPAL CLERK

MAYOR'S ACTION
MAYOR