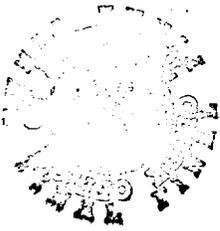


CITY COUNCIL
ATLANTA, GEORGIA



A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

02-*R*-0948

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$9,317.04 IN SETTLEMENT OF THE CLAIM
OF DANNY K. STEPHENSON AGAINST THE CITY OF
ATLANTA**

WHEREAS, Danny K. Stephenson has filed a claim against the City of Atlanta seeking damages arising out of several occurrences of sewer back ups to his property located at 1667 Fernleaf Circle; and

WHEREAS, property owned by **Danny K. Stephenson** has been damaged due to several occurrences of sewer back ups due a blockage in the mainline which the City had knowledge of prior to the backups that occurred between December 7, 2000 and January 6, 2002; and

WHEREAS, the City of Atlanta was on notice of said nuisance and yet the City failed 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

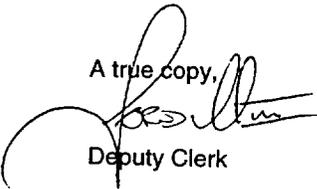
WHEREAS, the claimant has asserted damages in the amount of **\$9,317.04** and has agreed to accept this sum in full and complete satisfaction and settlement of his claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of **Danny K. Stephenson** be settled for the sum of **\$9,317.04**.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that **\$9,317.04** be paid by the City of Atlanta in satisfaction of any and all claims **Danny K. Stephenson** owner of property located at 1667 Fernleaf Circle may have stemming from damages sustained to his property between December 7, 2000 and January 6, 2002.

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

A true copy,


Deputy Clerk

ADOPTED by the Council
APPROVED by the Mayor

JUN 03, 2002
JUN 10, 2002

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0057

Date: May 17, 2002

Claimant /Victim DANNY K. STEPHENSON

BY: (Atty)(Ins. Co.) _____

Address: 1667 Fernleaf Circle, Atlanta, Georgia 30318

Subrogation: _____ Claim for Property damage \$ 9,317.04 Bodily Injury \$ _____

Date of Notice: 01/16/02 Method: Written, proper X Improper _____

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

Date of Occurrence between 12/7/00 & 01/06/02 Place: 1667 Fernleaf Circle

Department Public Works Division: Sewer Operations

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant sustained property damage due to several occurrences of sewer back ups. The City was on notice of problems with the sewer line after the first occurrence on December 7, 2000.

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 _____

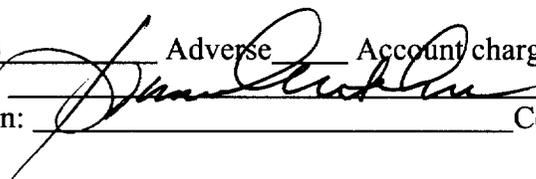
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 9,317.04 Adverse _____ Account charged: 1A01 _____ 2J01 X 2H01 _____ 2P01 _____

Claims Manager:  Concur/date 5-17-02

Committee Action: _____ Council Action _____

RCS# 3776
6/03/02
2:19 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-14; Except 02-R-0974; 02-O-0952

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

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

ITEM (S) REMOVED FROM
CONSENT AGENDA
02-O-0952

06/03/02 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

**ITEMS ADOPTED ON
CONSENT AGENDA**

**ITEMS
ADVERSED
ON CONSENT
AGENDA**

1. 02-O-0726
2. 02-O-0723
3. 02-O-0694
4. 02-O-0854
5. 02-O-0709
6. 02-O-0710
7. 02-O-0711
8. 02-O-0712
9. 02-O-0713
10. 02-O-0714
11. 02-O-0715
12. 02-O-0716
13. 02-O-0717
14. 02-O-0953
15. 02-O-0719
16. 02-O-0720
17. 02-O-0722
18. 02-O-0959
19. 02-O-0962
20. 02-O-0966
21. 02-O-0967
22. 02-O-0730
23. 02-O-0958
24. 02-O-0961
25. 02-R-0894
26. 02-R-0948
27. 02-R-0949
28. 02-R-0905
29. 02-R-0906
30. 02-R-0904
31. 02-R-0954
32. 02-R-0974
33. 02-R-0801

34. 02-R-0892
35. 02-R-0895
36. 02-R-0896
37. 02-R-0897
38. 02-R-0898
39. 02-R-0903
40. 02-R-0950
41. 02-R-0968
42. 02-R-0975
43. 02-R-0910
44. 02-R-0911
45. 02-R-0912
46. 02-R-0913
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 70. 02-R-0937
 71. 02-R-0938
 72. 02-R-0939
 73. 02-R-0940
 74. 02-R-0941
 75. 02-R-0942
 76. 02-R-0943
 77. 02-R-0944
 78. 02-R-0945
 79. 02-R-0946
 80. 02-R-0947
-

02-2-0948

(Do Not Write Above This Line)

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF \$9,317.04 IN SETTLEMENT OF THE CLAIM OF DANNY K. STEPHENSON AGAINST THE CITY OF ATLANTA

APPROVED BY:

Robert N. Godfrey
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

ADOPTED BY

- 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:

First Reading

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

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

- 2nd
1st & 2nd
3rd
Consent
V Vote
RC Vote

CERTIFIED

CERTIFIED
JUN 03 2002

ATLANTA CITY COUNCIL PRESIDENT

Catherine W. Woodard

CERTIFIED
JUN 03 2002

Flora Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

MAYOR
JUN 10 2002