

A RESOLUTION

02- R-1135

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT  
OF \$8,500.00 IN SETTLEMENT OF THE CLAIM OF CANDES  
STYLES AGAINST THE CITY OF ATLANTA**

**WHEREAS, CANDES STYLES** has filed a claim against the City of Atlanta seeking damages arising out of property damages sustained when a City sewer mainline stopped up and raw sewage backed up into her house on January 3, 2002 located at 2189 Bolton Road; and

**WHEREAS,** the City had notice of problems in the sewer mainline prior to the back up on January 3, 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 **\$12,650.00** but has agreed to accept the sum of **\$8,500.00** in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

**WHEREAS,** the City Attorney has recommended that the claim of **CANDES STYLES** be settled for the sum of **\$8,500.00**.

**THEREFORE, BE IT RESOLVED** that the Council of the City of Atlanta, Georgia that **\$8,500.00** be paid by the City of Atlanta in satisfaction of any and all claims **CANDES STYLES** may have stemming from damages sustained to her property on or about January 3, 2002 at 2189 Bolton Road.

**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,

*Rhonda Daughkin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

JULY 01, 2002  
JULY 09, 2002

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0075

Date: 6/12/02

Claimant /Victim CANDES STYLES

BY: (Atty)

Address: 2189 Bolton Road NW, Atlanta, Georgia 30318

Subrogation: Claim for Property damage \$ 12,650.00 Bodily Injury \$

Date of Notice: 02/05/02 Method: Written, proper X Improper

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

Date of Occurrence 01/03/02 Place: 2189 Bolton Road, NW

Department Public Works Division: Sewer Operations

Employee involved Disciplinary Action

NATURE OF CLAIM: The claimant sustained extensive damages to her personal property when a City sewer mainline stopped up and raw sewage backed up into her house. The City had notice of problems in the sewer line prior to the January 3, 2002 occurrence. The City has made the necessary repairs to the sewer mainline and it no longer presents a hazard.

INVESTIGATION:

Statements: City employee Claimant X Other X Written X Oral X

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 X

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,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ 8,500.00 Adverse Account charged: 1A01 2J01 X 2H01

Claims Manager: [Signature] Incur/date 06-13-02

Committee Action: Council Action



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**07/01/02 Council Meeting**

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**ITEMS ADOPTED ON  
CONSENT AGENDA**

**ITEMS ADOPTED ON  
CONSENT AGENDA**

**ITEMS  
ADVERSE  
ON CONSENT  
AGENDA**

1. 02-O-0718
2. 02-O-1021
3. 02-O-1022
4. 02-O-1119
5. 02-O-1142
6. 02-O-0602
7. 02-O-1013
8. 02-O-1148
9. 02-O-0864
10. 02-O-1017
11. 02-O-1020
12. 02-R-1143
13. 02-R-1104
14. 02-R-1120
15. 02-R-1121
16. 02-R-1122
17. 02-R-0470
18. 02-R-0810
19. 02-R-1182
20. 02-R-1118
21. 02-R-1146
22. 02-R-1177
23. 02-R-1179
24. 02-R-1101
25. 02-R-1102
26. 02-R-1103
27. 02-R-1145
28. 02-R-1134
29. 02-R-1135
30. 02-R-1136
31. 02-R-1176
32. 02-R-1072
33. 02-R-1073

34. 02-R-1074
35. 02-R-1075
36. 02-R-1124
37. 02-R-1125
38. 02-R-1126

39. 02-R-1076
  40. 02-R-1077
  41. 02-R-1078
  42. 02-R-1079
  43. 02-R-1080
  44. 02-R-1081
  45. 02-R-1082
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  62. 02-R-1099
  63. 02-R-1127
  64. 02-R-1128
  65. 02-R-1129
  66. 02-R-1130
  67. 02-R-1131
  68. 02-R-1132
  69. 02-R-1133
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02-P-1135  
(Do Not Write Above This Line)

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL  
ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING  
PAYMENT IN THE AMOUNT OF  
\$8,500.00 IN SETTLEMENT OF THE  
CLAIM OF CANDES STYLES  
AGAINST THE CITY OF ATLANTA  
AND FOR OTHER PURPOSES

APPROVED BY:

*Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
INTERIM CITY ATTORNEY

ADOPTED BY

JUL 01 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:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred to \_\_\_\_\_

Committee

*P.S. & LA*

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

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**  
JUL 01 2002  
ATLANTA CITY COUNCIL PRESIDENT  
*Catherine W. Woodard*

MAYOR'S ACTION

**APPROVED**  
*Stanley D. Crutcher*  
JUL - 9 2002  
MAYOR