



A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

02-*R*-1440

**A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT
OF \$3,517.29 IN SETTLEMENT OF THE CLAIM OF LAURA
MARTIN AGAINST THE CITY OF ATLANTA**

WHEREAS, LAURA MARTIN has filed a claim against the City of Atlanta seeking damages arising out of property damages sustained when a City outfall sewer stopped up and backed up into her house located at 616 Starlight Drive on March 23, 2002 through March 31, 2002; and

WHEREAS, the City had notice of problems in the sewer mainline on and after March 23, 2002; and

WHEREAS, the City of Atlanta was on notice of said sewer backup and the City failed to correct the problem until after additional backups; and

WHEREAS, inasmuch as the facts disclosed indicate said claim is not based on a claim of negligence, of 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 agreed to accept the sum of **\$3,517.29** 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 **LAURA MARTIN** be settled for the sum of **\$3,517.29**.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that **\$3,517.29** be paid by the City of Atlanta in satisfaction of any and all claims **LAURA MARTIN** may have stemming from damages sustained to her property on or about March 23, 2002 through March 31, 2002 at 616 Starlight Drive.

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

SEP 03, 2002
SEP 11, 2002

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0298

Date: 08/14/02

Claimant /Victim LAURA MARTIN

BY: (Atty)

Address: 616 Starlight Drive Atlanta, Georgia 30342

Subrogation: Claim for Property damage \$ 3,517.29 Bodily Injury \$

Date of Notice: 04/22/02 Method: Written, proper X Improper

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

Date of Occurrence 03/23/02 Thru 03/31/02 Place: 616 Starlight Drive Atlanta, Georgia 30342

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 on and after the March 23, 2002 occurrence and failed to abate the problem in a timely manner. 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

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 \$ 3,517.29 Adverse Account charged: 1A01 2J01 X 2H01

Claims Manager: Concur/date 08-14-02

Committee Action: Council Action

RCS# 3953
9/03/02
1:47 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-14; Except 02-R-1137; 02-R-1458

ADOPT

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

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

CONSENT I

09/03/02 Council Meeting

**ITEMS ADOPTED ON CONSENT
AGENDA****ITEMS ADVERSED
ON CONSENT AGENDA**

- | | | |
|---------------|---------------|---------------|
| 1. 02-O-1455 | 43. 02-R-1492 | 59. 02-R-1418 |
| 2. 02-O-1456 | 44. 02-R-1347 | 60. 02-R-1419 |
| 3. 02-O-1457 | 45. 02-R-1461 | 61. 02-R-1420 |
| 4. 02-O-1460 | 46. 02-R-1462 | 62. 02-R-1421 |
| 5. 02-O-1454 | 47. 02-R-1471 | 63. 02-R-1422 |
| 6. 02-O-1336 | 48. 02-R-1484 | 64. 02-R-1423 |
| 7. 02-O-1337 | 49. 02-R-1486 | 65. 02-R-1424 |
| 8. 02-O-1339 | 50. 02-R-1363 | 66. 02-R-1425 |
| 9. 02-O-1340 | 51. 02-R-1364 | 67. 02-R-1426 |
| 10. 02-O-1341 | 52. 02-R-1365 | 68. 02-R-1427 |
| 11. 02-O-1342 | 53. 02-R-1412 | 69. 02-R-1428 |
| 12. 02-O-1343 | 54. 02-R-1413 | 70. 02-R-1429 |
| 13. 02-O-1226 | 55. 02-R-1414 | 71. 02-R-1430 |
| 14. 02-O-1446 | 56. 02-R-1415 | 72. 02-R-1431 |
| 15. 02-O-1465 | 57. 02-R-1416 | 73. 02-R-1432 |
| 16. 02-R-1370 | 58. 02-R-1417 | 74. 02-R-1433 |
| 17. 02-R-1371 | | 75. 02-R-1434 |
| 18. 02-R-1372 | | 76. 02-R-1435 |
| 19. 02-R-1373 | | 77. 02-R-1436 |
| 20. 02-R-1374 | | 78. 02-R-1437 |
| 21. 02-R-1375 | | 79. 02-R-1438 |
| 22. 02-R-1376 | | |
| 23. 02-R-1378 | | |
| 24. 02-R-1379 | | |
| 25. 02-R-1380 | | |
| 26. 02-R-1392 | | |
| 27. 02-R-1468 | | |
| 28. 02-R-1480 | | |
| 29. 02-R-1481 | | |
| 30. 02-R-1482 | | |
| 31. 02-R-1483 | | |
| 32. 02-R-1385 | | |
| 33. 02-R-1479 | | |
| 34. 02-R-1369 | | |
| 35. 02-R-1439 | | |
| 36. 02-R-1440 | | |
| 37. 02-R-1495 | | |
| 38. 02-R-1500 | | |
| 39. 02-R-1501 | | |
| 40. 02-R-1386 | | |
| 41. 02-R-1388 | | |
| 42. 02-R-1491 | | |

1st Consent I Vote: 14Yeas; 0 Nays (See RCS #3953)
Items Removed from Consent: 02-R-1137; 02-R-1458

02-R-1440

(Do Not Write Above This Line)

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BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF \$3,517.29 IN SETTLEMENT OF THE CLAIM OF LAURA MARTIN AGAINST THE CITY OF ATLANTA AND FOR OTHER PURPOSES

APPROVED BY:

Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
INTERIM CITY ATTORNEY

ADOPTED BY

- CONSENT REFER
REGULAR REPORT REFER SEP 03 2002
ADVERTISE & REFER
1st ADOPT 2nd READ & REFER
PERSONAL PAPER REFER COUNCIL

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

SEP 03 2002
MUNICIPAL COUNCIL PRESIDENT
Catherine Williams

CERTIFIED
SEP 03 2002
Rosalind Rubens Newell
MUNICIPAL CLERK

MAYOR'S ACTION

MURRAY FARMER
SEP 11 2002
MAYOR