



CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

02-R-1951

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$3,500.00 IN SETTLEMENT OF THE CLAIM
OF JOANN W. SNEAD AGAINST THE CITY OF ATLANTA**

WHEREAS, JoAnn W. Snead has filed a claim against the City of Atlanta seeking damages to per property arising from a broken sanitary sewer line running under her property located at 1655 Kenmore Street, SW; and

WHEREAS, property owned by JoAnn W. Snead has been damaged due to a broken sanitary sewer line running under her property and for further damages sustained during the City's repair of the sewer line; 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 \$4,415.00 but has agreed to accept the sum of \$3,500.00 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 JoAnn W. Snead be settled for the sum of \$3,500.00.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$3,500.00 be paid by the City of Atlanta in satisfaction of any and all claims JoAnn W. Snead owner of property located at 1655 Kenmore Street, SW may have stemming from damages sustained to her property between on September 1, 1994 and between December, 1996 and February, 1997.

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

NOV 18, 2002
NOV 26, 2002

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 97L0150

Date: October 31, 2002

Claimant /Victim JOANN W. SNEAD

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

Address: 1655 Kenmore Street, SW, Atlanta, Georgia 30311

Subrogation: _____ Claim for Property damage \$ 4,415.00 Bodily Injury \$ _____

Date of Notice: 08/13/02 Method: Written, proper X Improper _____

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

Date of Occurrence 09/01/94 & 12/96-02/97 Place: 1655 Kenmore Street, SW

Department Public Works Division: Sewer Operations

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant's property was damage due to a broken sewer line. During the repairs to the sewer line the property was further damaged due to the vibrations caused by the heavy machinery used in the project.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ 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 X

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 \$ 3,500.00 Adverse _____ Account charged: 1A01 _____ 2J01 X 2H01 _____ 2P01 _____

Claims Manager: Dianne Mitchell Concur/date 10-31-02

Committee Action: _____ Council Action _____

RCS# 4225
11/18/02
2:59 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-9; Except 02-R-1982; 02-O-1882;

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

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

CONSENT I

11/18/02 Council Meeting

**ITEMS ADOPTED ON CONSENT
AGENDA**

1. 02-O-1774
2. 02-O-1972
3. 02-O-1297
4. 02-O-1859
5. 02-O-1860
6. 02-O-1861
7. 02-O-1974
8. 02-O-1979
9. 02-O-1902
10. 02-O-1962
11. 02-O-1971
12. 02-O-1863
13. 02-O-1864
14. 02-R-1924
15. 02-R-1952
16. 02-R-1966
17. 02-R-1996
18. 02-R-2000
19. 02-R-1951
20. 02-R-1954
21. 02-R-1978
22. 02-R-1983
23. 02-R-1984
24. 02-R-1856
25. 02-R-1931
26. 02-R-1932
27. 02-R-1933
28. 02-R-1934
29. 02-R-1935
30. 02-R-1936

**ITEMS ADVERSED
ON CONSENT AGENDA**

31. 02-R-1937
32. 02-R-1938
33. 02-R-1939
34. 02-R-1940
35. 02-R-1941
36. 02-R-1942
37. 02-R-1943
38. 02-R-1944
39. 02-R-1945
40. 02-R-1946
41. 02-R-1947
42. 02-R-1948
43. 02-R-1949
44. 02-R-1950

Consent I Vote: 13 Yeas; 0 Nays (See RCS #4225)
Items Removed from Consent: 02-R-1982; 02-R-1882

02-R-1951

(Do Not Write Above This Line)

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APPROVED BY: ADOPTED BY

Rosalind Rubens Newell NOV 18 2002 ROSALIND RUBENS NEWELL DEPUTY CITY ATTORNEY

- 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

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

NOV 18 2002

CERTIFIED

NOV 18 2002

Rosalind Rubens Newell MUNICIPAL CLERK

MAYOR'S ACTION

NOV 26 2002

Handwritten signature and date