

Entered - 1-10-03 - sb  
CL 03L0028 - GWENDOLYN BURNS

03-*P*-0728

CLAIM OF: EDWARD J. GERAGHTY  
973 Peachtree Battle Avenue, NW  
Atlanta, Georgia 30327

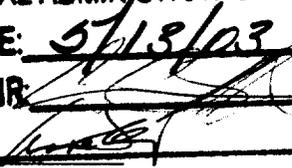
For damages alleged to have been sustained as a result of several sewer backups on November 11, 23, 25, 2002 at 973 Peachtree Battle Avenue, NW.

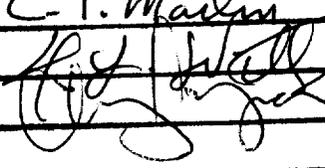
BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

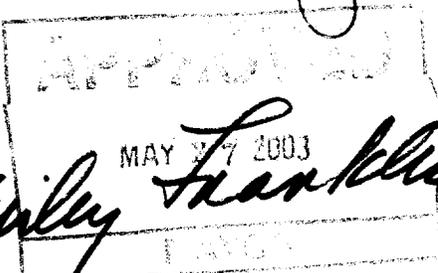
BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **EDWARD J. GERAGHTY** the sum of **\$1,624.95** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained as a result of several sewer backups on November 11, 23, 25, 2002 at 973 Peachtree Battle Avenue, NW., as is more particularly set forth in the within claim; said sum taken from and charged to account **2J01/529017/T31001**, Settlement of Suits and Claims, Department of Law.

APPROVED: LINDA K. DISANTIS  
CITY ATTORNEY

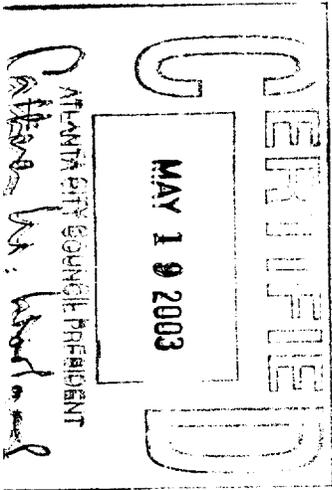
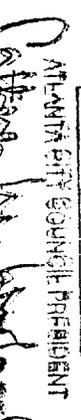
BY:   
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

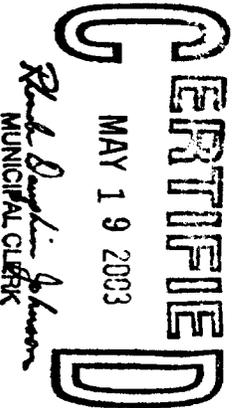
**FAVORABLE REPORT**  
PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE  
DATE: 5/13/03  
CHAIR: 

C.T. Madini  


  
Shirley Franklin

ADOPTED BY  
MAY 19 2003  
COUNCIL

  
ATLANTA CITY COUNCIL PRESIDENT  


  
MAY 19 2003  
Renee Dunlap  
MUNICIPAL CLERK



**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**03-R-0728**

**A RESOLUTION**

**BY PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE**

**BE IT RESOLVED BY** the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Edward J. Geraghty** in the sum of **\$1,624.95** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of several sewer backups on November 11, 23, & 25, 2002 at 973 Peachtree Battle Avenue, NW as is more particularly set forth in the within claim; said sum taken from and charged to Account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk, CMC

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

**MAY 19, 2003  
MAY 27, 2003**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0028

Date: May 1, 2003

Claimant /Victim EDWARD J. GERAGHTY
BY: (Atty) (Ins. Co.)
Address: 973 Peachtree Battle Avenue, Atlanta, Georgia 30327
Subrogation: Claim for Property damage \$ 1,624.95 Bodily Injury \$
Date of Notice: 1/9/03 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/11, 11/23 and 11/25/02 Place: 973 Peachtree Battle Avenue, NW
Department WATERSHED MANAGEMENT Division Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant sustained property damages from several sewer back ups. An investigation determined that the City was on notice of said problem but failed to 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 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,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 1,624.95 Adverse Account charged: 1A01 2P01 2J01 X 2H01 Claims
Manager: Concur/date 052003
Committee Action: Council Action

RCS# 4717  
5/19/03  
2:39 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-14 Except:03-O-0456; 03-R-0598  
03-R-0703; 03-R-0773; 03-R-0788  
Adopt

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

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

CONSENT I

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**5/19/03 FULL COUNCIL MEETING**

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**Items Adopted on the Consent Agenda**

1. 03-O-0601
2. 03-O-0551
3. 03-O-0552
4. 03-O-0600
5. 03-O-0554
6. 03-O-0617
7. 03-O-0632
8. 03-O-0633
9. 03-O-0660
10. 03-O-0772
11. 03-O-0628
12. 03-O-0759
13. 03-R-0655
14. 03-R-0700
15. 03-R-0701
16. 03-R-0704
17. 03-R-0784
18. 03-R-0785
19. 03-R-0707
20. 03-R-0708
21. 03-R-0709
22. 03-R-0718
23. 03-R-0782
24. 03-R-0713
25. 03-R-0714
26. 03-R-0716
27. 03-R-0760
28. 03-R-0768
29. 03-R-0774
30. 03-R-0776
31. 03-R-0779
32. 03-R-0722
33. 03-R-0723
34. 03-R-0724
35. 03-R-0725

**Items Adversed on the  
Consent Agenda**

36. 03-R-0726
37. 03-R-0727
38. 03-R-0728
39. 03-R-0729
40. 03-R-0730
41. 03-R-0731
42. 03-R-0732
43. 03-R-0733
44. 03-R-0734
45. 03-R-0735
46. 03-R-0736
47. 03-R-0737
48. 03-R-0738
49. 03-R-0739
50. 03-R-0740
51. 03-R-0741
52. 03-R-0742
53. 03-R-0743
54. 03-R-0744
55. 03-R-0745
56. 03-R-0746
57. 03-R-0747
58. 03-R-0748
59. 03-R-0749
60. 03-R-0750
61. 03-R-0783

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Consent I Vote: 13Yeas; 0 Nays: (See RCS #4717)

Items Removed from the Consent Agenda: 03-O-0456; 03-R-0598; 03-R-0703; 03-R-0773; 03-R-0788