

Entered - 08-21-03 - sb
CL 02L0723 & 03L0671 - GWENDOLYN BURNS

CLAIM OF: MICHELLE SMITH
4329 Kimball Road
Atlanta, Georgia 30331

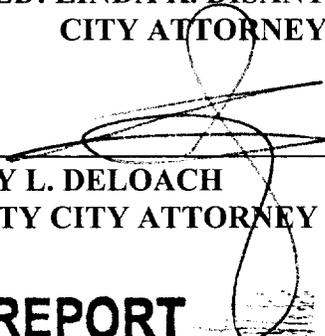
03-*R*-1596

For property damages alleged to have been sustained as a result of several sewer backups on September 24, 2002 and March 18, 2003 at 4329 Kimball Road, SW.

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 MICHELLE SMITH the sum of \$13,107.00 in full settlement and satisfaction of all claims, past, present and future, of every kind and character for property damages alleged to have been sustained as a result of several sewer backups on September 24, 2002 and March 18, 2003 at 4329 Kimball Road, SW, 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

COMM: Public Safety

DATE: 10/14/03

CHAIR: [Signature]

[Signature]

[Signature]

[Signature]

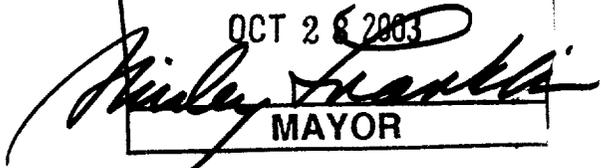
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APPROVED

OCT 28 2003


MAYOR

CERTIFIED
OCT 20 2003
ATLANTA CITY COUNCIL PRESIDENT
Catherine W. Woodward

CERTIFIED
OCT 20 2003
MUNICIPAL CLERK
[Signature]

ADOPTED BY
OCT 20 2003
COUNCIL



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

03-R-1596

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 **Michelle Smith** in the sum of **\$13,107.00** 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 several sewer backups on **September 24, 2002 and March 18, 2003 at 4329 Kimball Road, SW** as set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

Rhonda Daughlin Johnson
Municipal Clerk, CMC

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

OCT 20, 2003
OCT 28, 2003

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0723 & 03L0671

Date: October 1, 2003

Claimant /Victim MICHELLE SMITH
BY: (Atty) (Ins. Co.)
Address: 4329 Kimball Road, Atlanta, Georgia 30331
Subrogation: Claim for Property damage:\$ 22,000.00 Bodily Injury \$
Date of Notice: 10/09/02 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 9/24/02 & 3/18/03 Place: 4329 Kimball Road
Department WATERSHEAD MANAGEMENT Division Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant sustained property damage from two sanitary sewer back ups to her home. An investigation determined that the City was on notice of said problems but failed to permanently correct them. A subsequent sewer initiative was completed by the City in mid March 2003 to improve sewer conditions on Kimball Road which included cleaning and installing a new mainline pipe.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures X 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
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,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 13,107.00 Adverse Account charged: 1A01 2J01 X 2P01 2H01
Claims Manager: Concur/date 10/12/03
Committee Action: Council Action

RCS# 5099
10/20/03
4:32 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I EXCEPT:03-O-1695, 03-O-1444
03-O-1689, 03-O-1493, 03-O-1494

~~RECONSIDER~~

ADOPT

YEAS: 10
NAYS: 1
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 1

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

CONSENT I

RCS# 5067
10/20/03
2:15 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-17, EXCEPT:03-O-1695,
03-O-1444, 03-O-1689, 03-O-1493
ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 1

*Reconsidered 104
in
See RCS#
5098*

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

CONSENT I

ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-1509 2. 03-O-1510 3. 03-O-1706 4. 03-O-1354 5. 03-O-1500 6. 03-O-1501 7. 03-O-1130 8. 03-O-1434 9. 03-O-1512 10. 03-O-1586 11. 03-O-0662 12. 03-R-1669 13. 03-R-1508 14. 03-R-1661 15. 03-R-1662 16. 03-R-1663 17. 03-R-1664 18. 03-R-1691 19. 03-R-1704 20. 03-R-1670 21. 03-R-1671 22. 03-R-1672 23. 03-R-1673 24. 03-R-1674 25. 03-R-1675 26. 03-R-1654 27. 03-R-1655 28. 03-R-1711 29. 03-R-1724 30. 03-R-1725 31. 03-R-1726 32. 03-R-1727 33. 03-R-1656 34. 03-R-1657 35. 03-R-1728 36. 03-R-1594 37. 03-R-1595 38. 03-R-1596 39. 03-R-1597 40. 03-R-1598	41. 03-R-1599 42. 03-R-1600 43. 03-R-1601 44. 03-R-1602----- Items Adversed on Consent 45. 03-R-1603 46. 03-R-1604 47. 03-R-1605 48. 03-R-1606 49. 03-R-1607 50. 03-R-1608 51. 03-R-1609 52. 03-R-1610 53. 03-R-1611 54. 03-R-1612 55. 03-R-1613 56. 03-R-1614 57. 03-R-1615 58. 03-R-1616 59. 03-R-1617 60. 03-R-1618 61. 03-R-1619 62. 03-R-1620 63. 03-R-1621 64. 03-R-1622 65. 03-R-1623 66. 03-R-1624 67. 03-R-1625 68. 03-R-1626 69. 03-R-1627 70. 03-R-1628 71. 03-R-1629 72. 03-R-1630 73. 03-R-1631 74. 03-R-1632 75. 03-R-1633 76. 03-R-1634 77. 03-R-1635 78. 03-R-1636 79. 03-R-1637	80. 03-R-1638 81. 03-R-1639 82. 03-R-1640 83. 03-R-1641 84. 03-R-1642 85. 03-R-1643 86. 03-R-1644 87. 03-R-1645 88. 03-R-1646 89. 03-R-1647 90. 03-R-1648 91. 03-R-1649