

Entered - 01-30-03 - sb
CL 03L0069 GWENDOLYN BURNS

CLAIM OF: **SEAN P. HENRY**
285 Judy Lane
Atlanta, Georgia 30315

04-*R*-1772

ADOPTED BY
OCT 18 2004
COUNCIL

For property damages alleged to have been sustained due to a sewer backup on December 3, 2002 at 285 Judy Lane, SE.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

CERTIFIED
OCT 18 2004
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **SEAN P. HENRY** sum of **\$3,050.00** 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 due to a sewer backup on December 3, 2002 at 285 Judy Lane, SE as is more particularly set forth in the within claim; said sum taken from and charged to account **2J01/529017/Q30001**.

APPROVED: **LINDA K. DISANTIS**
CITY ATTORNEY

CERTIFIED
OCT 18 2004
[Signature]
MUNICIPAL CLERK

BY: *[Signature]*
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

FAVORABLE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 10/12/04
CHAIR: *[Signature]*
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

APPROVED
OCT 20 2004
[Signature]
MAYOR



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

04-R-1772

A RESOLUTION

BY: PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

BE IT RESOLVED y the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to SEAN P. HENRY sum of \$3,050.00 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 due to a sewer backup on December 3, 2002 at 285 Judy Lane, SE as is more particularly set forth in the within claim; said sure taken from and charged to account 2J01/529017/Q30001.

A true copy,

Reanda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

October 18, 2004
October 20, 2004

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0069

Date: September 27, 2004

Claimant /Victim SEAN P. HENRY
BY: (Atty) (Ins. Co.)
Address: 285 Judy Lane, SE, Atlanta, Georgia 30315
Subrogation: Claim for Property damage \$ 3,050.00 Bodily Injury \$
Date of Notice: 1/29/03 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 12/3/02 Place: 285 Judy Lane, SE
Department WATERSHED MANAGEMENT Bureau: Wastewater Treatment and Collections
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant sustained damage from a sewer backup. An investigation determined that the City was on notice of the problem but failed to permanently correct it.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
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
City not involved Offer rejected Compromise settlement X
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 3,050.00 Adverse Account charged: 1A01 2J01 X 2P01 2H01
Claims Manager: Concur/date 09/30/04
Committee Action: Council Action

RCS# 6139
10/18/04
2:33 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 6-18, EXCEPT:04-O-1369
04-R-1764 04-R-1765
ADOPT

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

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

CONSENT I

10-04-04 Council Meeting		
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1570	38. 04-R-1772	48. 04-R-1783
2. 04-O-1586	39. 04-R-1773	49. 04-R-1784
3. 04-O-1667	40. 04-R-1774	50. 04-R-1785
4. 04-O-1669	41. 04-R-1775	51. 04-R-1786
5. 04-O-1670	42. 04-R-1776	52. 04-R-1787
6. 04-O-1671	43. 04-R-1777	53. 04-R-1788
7. 04-O-1672	44. 04-R-1778	54. 04-R-1789
8. 04-O-1658	45. 04-R-1779	55. 04-R-1790
9. 04-O-1807	46. 04-R-1780	56. 04-R-1791
10. 04-O-1810	47. 04-R-1781	57. 04-R-1792
11. 04-O-1813		58. 04-R-1793
12. 04-O-1817		59. 04-R-1794
13. 04-O-1850		
14. 04-O-1651		
15. 04-O-1654		
16. 04-O-1808		
17. 04-R-1472		
18. 04-R-1751		
19. 04-R-1798		
20. 04-R-1485		
21. 04-R-1759		
22. 04-R-1760		
23. 04-R-1761		
24. 04-R-1797		
25. 04-R-1824		
26. 04-R-1825		
27. 04-R-1762		
28. 04-R-1754		
29. 04-R-1755		
30. 04-R-1756		
31. 04-R-1757		
32. 04-R-1827		
33. 04-R-1799		
34. 04-R-1768		
35. 04-R-1769		
36. 04-R-1770		
37. 04-R-1771		