

Entered - 10/09/09 - sb
CL 09L0764 - LISA CARTER

10- R -0078

CLAIM OF: SANDRA S. MYERS,
281 E. Wesley Road
Atlanta, Georgia 30305

For damages alleged to have been sustained as a result of a sewer back up between September 2-11, 2009 at 281 E. Wesley Road.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

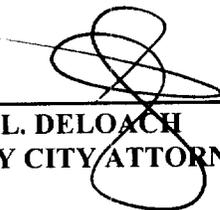
BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to SANDRA S. MYERS the sum of \$1,531.50 in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a sewer back up between September 2-11, 2009 at 281 E. Wesley Road as is more particularly set forth in the within claim; said sum taken from and charged to account 5051.170201.5750002.4310000.

JAN 19 2010

RECEIVED
JAN 20 2010
Frank Douglas Johnson
MUNICIPAL CLERK

APPROVED: ROGER BHANDARI
ACTING CITY ATTORNEY

APPROVED
MAYOR

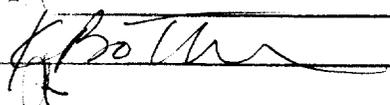
BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

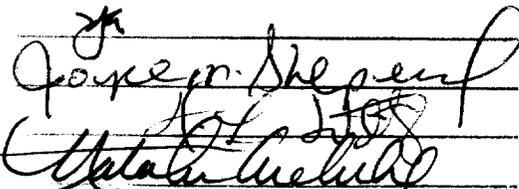
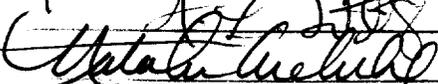
FAVORABLE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE 1/12/10

CHAR



ADOPTED BY
JAN 19 2010
COUNCIL



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

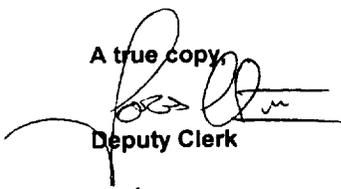
10-R-0078

A RESOLUTION

**BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **Sandra S. Myers** the sum of **\$1,531.50** as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character, for property damages alleged to have been from a sewer back up on **September 2-11 ,2009** at **281 E. Wesley Road** as is more particularly set forth in the within claim; said sum taken from and charged to Account **5051/170201/5750002/4310000**.

A true copy,



Deputy Clerk

ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed

JAN 19, 2010
JAN 25, 2010

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 09L0764

Date: December 21, 2009

Claimant /Victim SANDRA S. MYERS

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

Address: 281 E. Wesley Road Atlanta, Georgia 30305

Subrogation: _____ Claim for Property damage \$ 1,531.50 Bodily Injury \$ _____

Date of Notice: 09/29/09 Method: Written, proper X Improper _____

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

Date of Occurrence 09/02-11/09 Place: 281 E. Wesley Road

Department Watershed Management Bureau: Wastewater Treatment & Collections Office: _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that she sustained damages as a result of a sewer back up at 281 E. Wesley Road. An investigation determined that the city was on notice of a problem at this location prior to the incident involving the claimant, but failed to make repairs in a timely manner.

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,

Lisa Carter
INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ \$1,531.50 Adverse _____ Account charged: General Fund _____ Water & Sewer X Aviation _____

Claims Manager: _____ Concur/date 12/21/09

Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RECEIVED
OFFICE OF
MUNICIPAL CLERK

RE: CLAIM FOR DAMAGES

Today's Date: 9-15-09

2009 SEP 29 PM 4:42

ENTERED - 10-9-09 - SB
09L0764 - L. CARTER

CARTER
10/08/09

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1,531.50 property and/or
\$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 9-2-09 thru 9-11-09 2. Time of Incident: mid afternoon 3. Police called: _____
(month/day/year). Yes No

4. Location of incident (including street address): 281 E. Wesley Rd. Atlanta, GA 30305

5. Name of your insurance company: Trustguard Ins. Co thru Metro-Atlanta Ins. Co Policy No. TH 2435681

6. State what and how incident occurred: See Attachment

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL
RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of
repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: _____
(Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the sovereign immunity of the City of Atlanta, as granted by
State law, nor is it an admission of liability on behalf of the City of Atlanta and / or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE
INFORMATION IS TRUE AND CORRECT.

Sandra S. Myers
Signature of Claimant

SANDRA S. MYERS
(Print Claimant's Name)

281 E. Wesley Rd
(Address)

Atlanta, GA 30305
(City, State and Zip Code)

404-237-5980
(Work Number) (Home Number)

Sandra S. Myers
281 E. Wesley Rd.
Atlanta, GA 30305
404-237-5980

10- R -0078

December 4, 2009

Mr. Howard Shook
Atlanta City Council
55 Trinity Ave.
Atlanta, GA 30303

Dear Mr. Shook,

On August 29, 2009, at a time when my husband was in our home dying from acute leukemia, the Atlanta City Water Department flooded our basement with raw sewage – not once but twice. In addition to the damage and contamination, this rendered our plumbing unusable and we were forced to move to a nearby Holiday Inn.

The details are outlined in the Attachment to our Claim for Damages included here.

Historically, the city water lines that we tap into are chronically clogged causing water to back up into our home, resulting in our repeatedly having to pay plumbers to assure the city that our lines are clear.

While I could have rightfully asked for reimbursement for the furniture, antiques and household goods which were had to be destroyed due to contamination as well as the damaged shrubbery and landscaping in the front yard, I only asked to be reimbursement for the \$1,531.50 for the Holiday Inn bill.

You will note that according to the letter from the Law Department, the claim is being considered, investigated and generally passed along. Realizing that these matters take time, if you could check on the status of this situation, I would be most grateful.

Thank you for your time and consideration.

Sincerely,



Sandra S. Myers

RCS# 17
1/19/10
1:54 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

10-R-0145

ADOPT EXCEPT

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

Y Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
B Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I