

Entered - 11/18/09 - sb  
CL 09L0890 - LISA CARTER

10- R -0341

CLAIM OF: **PAMELA M. YARBROUGH**  
3475 Nancy Creek Road, NW  
Atlanta, Georgia 30327

MAR 01 2010

For damages alleged to have been sustained as a result of a sewer back up on September 13, 2009 at 2870 Ridge Valley 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 **PAMELA M. YARBROUGH** the sum of **\$3,771.43** 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 on September 13, 2009 at 2870 Ridge Valley Road as is more particularly set forth in the within claim; said sum taken from and charged to account **5051.170201.5750002.4310000**.

RECEIVED  
MAR 01 2010  
City of Atlanta  
Department of Law  
300 Peachtree Street, N.W.  
Atlanta, Georgia 30303

APPROVED: **ROGER BHANDARI**  
ACTING CITY ATTORNEY

ADOPTED BY  
MAR 01 2010  
COUNCIL

BY:   
**JERRY L. DELOACH**  
DEPUTY CITY ATTORNEY

**FAVORABLE REPORT**

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE 2/23/10  
CHAR J. B. ...  
Joyen Sheperd  
yadree  
H. J. ...





**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**10-R-0341**

**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 Pamela M. Yarbrough the sum of \$ **\$3,771.43** 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 sustained as a result of **a sewer back up on September 13, 2009 at 2870 Ridge Valley 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,

A handwritten signature in black ink, appearing to be "K. Reed", is written over the text "A true copy," and "Deputy Clerk".

Deputy Clerk

**ADOPTED by the Atlanta City Council  
APPROVED by Mayor Kasim Reed**

**MAR 01, 2010  
MAR 09, 2010**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 09L0890

Date: January 28, 2010

Claimant /Victim PAMELA M. YARBROUGH

BY:(Atty)(Ins.Co.) \_\_\_\_\_

Address: 3475 Nancy Creek Road, NW Atlanta, Georgia 30327

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 4,653.00 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 11/13/09 Method: Written, proper X Improper \_\_\_\_\_

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

Date of Occurrence 09/13/09 Place: 2870 Ridge Valley 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 2870 Ridge Valley 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 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 \_\_\_\_\_

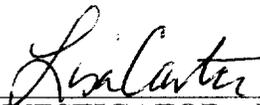
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement X

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

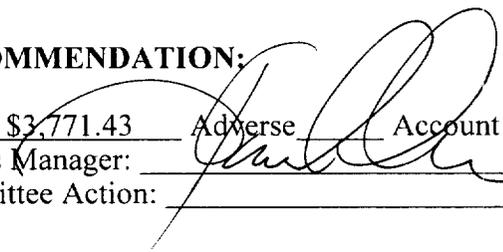
Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ \$3,771.43 Adverse \_\_\_\_\_ Account charged: General Fund \_\_\_\_\_ Water & Sewer X Aviation \_\_\_\_\_

Claims Manager:  Concur/date 02/11/10

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, SW  
Atlanta, Georgia 30303

RE: CLAIM FOR DAMAGES

Today's Date: NOV. 4, 2009

Dear Municipal Clerk:

ENTERED - 11-18-09 - SB  
09L0890 - L. CARTER

*Carter*  
*11/13/09*  
*[Signature]*

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 3771.43 property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: SEPT 13, 09 Time of incident: <sup>DISCOVERED</sup> EVENING 3. Police called: NO
4. Location of incident (including street address): 2870 RIDGE VALLEY RD BASEMENT  
ATL GA 30327
5. Name of your insurance company: TRAVELERS Policy No. 9765945626331
6. State what and how incident occurred: SEWER BACKED UP INTO THE BASEMENT IN HOUSE - SEWAGE CAME FROM STREET OVERFLOWING FROM TOILET - BASEMENT NOT FURNISHED OR BEING USED.

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.

Your vehicle: N/A  
(Make) (Year) (Tag Number) (Driver's Name)

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

9. Witness: \_\_\_\_\_

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. Claims must be received within 6 months from the date of the event.

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

[Signature]  
Signature of Claimant

PAMELA M. YARBROGGH  
(Print Claimant's Name)

3475 NANCY CREEK RD NW  
(Address)

ATLANTA GA 30327  
(City, State and Zip Code)

404-816-0532 404-630-2260  
(Work Number) (Home Number)

10- R -0341

RCS# 99  
3/01/10  
2:54 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 2  
ABSENT 0

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

CONSENT I

		03-01-10
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSESED ON CONSENT
1. 10-O-0275	36. 10-R-0350	42. 10-R-0356
2. 10-O-0276	37. 10-R-0351	43. 10-R-0357
3. 10-O-0277	38. 10-R-0352	44. 10-R-0358
4. 10-O-0278	39. 10-R-0353	45. 10-R-0359
5. 10-O-0279	40. 10-R-0354	46. 10-R-0360
6. 10-O-0289	41. 10-R-0355	47. 10-R-0361
7. 10-O-0290		48. 10-R-0362
8. 10-O-0291		49. 10-R-0363
9. 10-O-0292		50. 10-R-0364
10. 10-O-0293		51. 10-R-0365
11. 10-O-0294		52. 10-R-0366
12. 10-O-0296		53. 10-R-0367
13. 10-O-0241		54. 10-R-0368
14. 10-O-0307		55. 10-R-0369
15. 10-R-0334		56. 10-R-0370
16. 10-R-0335		57. 10-R-0371
17. 10-R-0390		58. 10-R-0372
19. 10-R-0395		59. 10-R-0373
20. 10-R-0407		60. 10-R-0374
21. 10-R-0411		61. 10-R-0375
22. 10-R-0394		62. 10-R-0376
23. 10-R-0396		63. 10-R-0377
24. 10-R-0338		64. 10-R-0378
25. 10-R-0339		65. 10-R-0379
26. 10-R-0340		66. 10-R-0380
27. 10-R-0341		67. 10-R-0381
28. 10-R-0342		68. 10-R-0382
29. 10-R-0343		69. 10-R-0383
30. 10-R-0344		70. 10-R-0384
31. 10-R-0345		71. 10-R-0385
32. 10-R-0346		
33. 10-R-0347		
34. 10-R-0348		
35. 10-R-0349		