

Entered - 12/24/08 - sb  
CL 08L1050 - LISA CARTER

10- R -0345

CLAIM OF: CASSANDRA DENSON  
1445 Harbin Road SW  
Atlanta, Georgia 30311

For damages alleged to have been sustained as a result of a sewer back up on June 12, 2008 at 1445 Harbin Road, SW.

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 CASSANDRA DENSON the sum of \$1,879.57 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 June 12, 2008 at 1445 Harbin Road, SW as is more particularly set forth in the within claim; said sum taken from and charged to account 5051.170201.5750002.4310000.

MAR 01 2010

**RECEIVED**  
MAR 01 2010  
Renee D. Johnson  
MUNICIPAL CLERK

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

CHAIR: \_\_\_\_\_

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**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

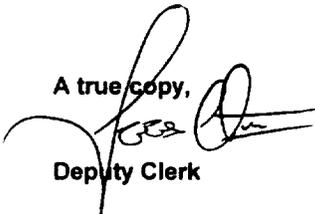
**10-R-0345**

**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 **Cassandra Denson** the sum of **\$ \$1,879.57** 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 June 12, 2008 at 1445 Harbin Road, SW** 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**

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

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 08L1050

Date: February 9, 2010

Claimant /Victim CASSANDRA DENSON

BY:(Atty)(Ins.Co.)

Address: 1445 Harbin Road, SW Atlanta Georgia 30311

Subrogation: Claim for Property damage \$ 2,300.82 Bodily Injury \$

Date of Notice: 12/10/08 Method: Written, proper X Improper

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

Date of Occurrence 06/12/08 Place: 1445 Harbin Road, SW

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 backup at 1445 Harbin Road, SW. 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,

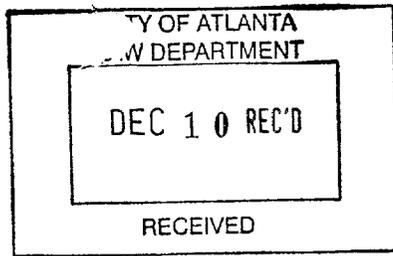
Lisa Carter
INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ 1,879.57 Adverse Account charged: General Fund Water & Sewer X Aviation

Claims Manager: Concur/date 02/11/10

Committee Action: Council Action



*Carter*  
*12/23/08*  
*[Signature]*

**TO:** City of Atlanta Claims Department

**FROM:** Cassandra Denson  
1445 Harbin Road, SW  
Atlanta, GA 30311  
404-346-0273 (H)  
404-218-3924 (C)

*Cassandra Denson*

ENTERED - 12-24-08 - SB  
08L1050 - L. CARTER

**DATE:** December 9, 2008

**RE:** Sewage Backups

My husband and I purchased this home in August 2007. December 2007 is when we started having sewage backups in our home. Attached is our claim for damages with detailed accounts of each incident. Also attached is an itemized list of expenses we incurred. We did not keep receipts for the clean ups since we were told that they were our responsibility. However, based on the final outcome, all of the backups were because of the negligence and misdiagnoses of the problem by the City.

My husband is not convinced that the problem is completely solved. He has over 40 years of experience in general construction and believes that there is a gravity flow problem of waste from upstream. He feels that there could be a low spot somewhere near and just below where our waste line intersects with the city's main line. He feels that the sewage flowing from our home and the neighbor's home have gotten caught in this low spot or something in the City's main line causing obstruction of the flow from waste upstream. He also feels that the low water commodes do not present enough pressure to send the sewage downstream. He checks our cleanout on a weekly bases to ensure that the flow is performing properly.

We have been inconvenienced and stressed and feel that in June when they discovered that there was a crack in the line it should have been repaired then. This surely would have saved us all unnecessary expense.

We appreciate your prompt attention to this matter. Please feel free to contact me if additional information is required.

**10-R-0345**

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 ADVERSED 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		