A RESOLUTION

BY COUNCILMEMBER CATHY WOOLARD + Clair Muller 01-R-0820

A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF (.....) IN SETTLEMENT OF THE CLAIM OF STEPHEN HOROWITZ (CLAIM # 01L0032) AGAINST THE CITY OF ATLANTA AND FOR OTHER PURPOSES.

A RESOLUTION

01-R-0820

BY COUNCILMEMBER CATHY WOOLARD

A RESOLUTION AUTHORIZING THE SETTLEMENT OF THE CLAIM OF STEVEN HORWITZ IN THE AMOUNT OF $4,000.00 AGAINST THE CITY OF ATLANTA

WHEREAS, STEVEN HORWITZ has filed a claim against the City of Atlanta seeking property damages which resulted from a ruptured water line that occurred at 790 Ponce de Leon Avenue, NE, after a water main repair on Bonaventure Avenue, NE by United Water Services Atlanta, Inc., a contractor for the City of Atlanta; and

WHEREAS, United Water Services Atlanta, Inc. failed to restore water to the repaired main in a safe and correct manner; and

WHEREAS, United Water Services Atlanta, Inc. has been contracted by the City of Atlanta to perform its water services which are ministerial functions and, therefore, this claim is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

WHEREAS, it is the opinion of the City Attorney that United Water Services Atlanta, Inc. is responsible for the damages that occurred as a result of the work that it performed for the City and United Water Services Atlanta, Inc. has refused to compensate STEVEN HORWITZ, however, it is in the best interest of the City to pay this claim; and

WHEREAS, the claimant has asserted damages in the amount of $4,000.00 and has agreed to accept this sum as full and complete satisfaction and settlement of his claim against the City of Atlanta; and

WHEREAS, the City of Atlanta will deduct the $4,000.00 payment from future payments that will be made to United Water Services Atlanta, Inc. as a reimbursement for this claim.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that $4,000.00 be paid by the City of Atlanta to STEVEN HORWITZ, in satisfaction of any and all claims he may have stemming from property damages sustained by him on or about June 30, 2000, at 790 Ponce de Leon Avenue, NE, and that the City Attorney prepare appropriate releases to release the City of Atlanta only and to subrogate against United Water Services Atlanta, Inc. to recover all of claimant's damages.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to pay the above mentioned sum from account number 2J01/529017/T31001 and deduct this amount from any payment due to United Water Services, Inc.