

Bond Case Briefs

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LIABILITY - GEORGIA

City of Atlanta v. Demita

Court of Appeals of Georgia - August 20, 2014 - S.E.2d - 2014 WL 4086244

Resident brought action against city to recover damage to her home and property allegedly caused by flooding due to city's creation or maintenance of a nuisance. Following jury trial, the trial court found in favor of resident. City appealed.

The Court of Appeals held that:

- City was not liable for nuisance based on alleged negligent construction or maintenance of storm water drainage system; and
- City was not liable to resident for nuisance created by water draining from city-maintained streets.

City was not liable to resident on nuisance claim for damage to her property due to flooding based on city's alleged negligent construction or maintenance of storm water drainage system, absent evidence that city constructed or maintained sewer or drainage system under its control that had caused repeated flooding of resident's property. Although city owned and maintained street in front of resident's property, there was no evidence that city ever installed any manhole or grate to allow water on street to drain into sewer piping, that city constructed any catch basin on the street, or that city took control and responsibility for maintaining any such sewer or drainage infrastructure components.