

CONSENT AGENDA

Entered - 2-24-97 - tew
CL 97L0117 - GWENDOLYN BURNS

00-*P*-1718

CLAIM OF: **WILLIAM D. BELL**
715 Laverne Drive, NW
Atlanta, Georgia 30318

ADOPTED BY
NOV 06 2000
COUNCIL

For vehicular damages alleged to have been sustained as a result of a construction cut in the roadway that was not properly covered with a metal plate on January 9, 1997 at South Gordon Street, SW & Westwood Avenue, SW.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **WILLIAM D. BELL** the sum of **\$1,425.00** 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 construction cut in the roadway that was not properly covered with a metal plate on January 9, 1997 at South Gordon Street, SW & Westwood Avenue, SW. as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

VORABLE REPORT

Public Safety

10/31/00

vc Cletat...

Derry...

[Signature]

[Signature]

BY: *Rosalind R Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

APPROVED

NOV 15 2000

WITHOUT SIGNATURE
BY OPERATION OF LAW

CERTIFIED
NOV 6 2000
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
NOV 06 2000
Municipal Clerk
[Signature]



MUNICIPAL CLERK
ATLANTA, GEORGIA

00-R-1718

A RESOLUTION

BY PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **William D. Bell** in the sum of **\$1,425.00** 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 **construction cut in the roadway that was not properly covered with a metal plate on January 9, 1997 at South Gordon Street, SW & Westwood Avenue, SW** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

NOV 06, 2000

NOV 15, 2000

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 97L0117

Date: October 20, 2000

Claimant /Victim WILLIAM D. BELL
BY: (Atty) (Ins. Co.)
Address: 715 LaVerne Drive, NW, Atlanta, Georgia 30318
Subrogation: Claim for Property damage \$ 1,425.00 Bodily Injury \$
Date of Notice: 2/3/97 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 1/9/97 Place: South Gordon Street, SW & Westwood Avenue, SW
Department PUBLIC WORKS Division Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant's vehicle sustained damage when he drove over a sanitary sewer construction cut in the roadway that was not properly covered and left in an unsafe condition.

INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X
Pictures Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial X
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,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

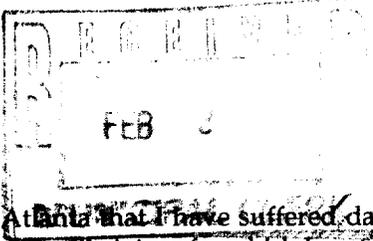
Pay \$ 1,425.00 Adverse Account charged: 1A01 2J01 X 2H01
Claims Manager: Concur/date 10-20-00
Committee Action: Council Action

Oat's
02/20/97

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

RE: CLAIM FOR DAMAGES

Today's Date: January 20, 1997



Dear Municipal Clerk:

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

1. Date of incident: January 9, 1997 2. Time of Incident: 7:00 P.M. 3. Police called: _____ Yes No
(month/day/ year)

4. Location of incident (including street address): South Gordon & Westwood Streets, S.W.

5. Name of your insurance company: Allstate Policy No. 0 85 413344 03/06

6. State what and how incident occurred: I was driving my car at the intersection of South Gordon and Westwood when, suddenly, the front wheels sank into a hole which had not been adequately covered by workmen who had recently excavated there. I was able to get the car out of the hole, but it was so extensively damaged that it failed to operate after a short/ distance.

I approached an officer near Kroger on Cascade Road. He advised me on reporting the incident
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: Plymouth Reliant 1989 644CA William D. Bell
(Make) (Year) (Tag Number) (Driver's Name)

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

9. Witness: N/A
(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

William D. Bell
Signature of Claimant

William D. Bell
(Print Claimant's Name)

715 LaVerne Drive, N.W.
(Address)

Atlanta, Georgia 30318-5939
(City, State and Zip Code)

N/A (Retired) (404) 799-8884
(Work Number) (Home Number)

Buchhead Chrysler Co.
(Mr. Garrett)

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 97L0117

\$ 1,425.00

IN CONSIDERATION of the sum of FOURTEEN HUNDRED AND TWENTY-FIVE 00/100
 DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged,
I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City,
its officers and employees, from any and all claims, demands, actions, causes of action, suits, damages, loss and
expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly
for or on account of a vehicular incident
which occurred on or about the 9th day of January, 1997,
at or near South Gordon & Westwood Streets, SW.

It is further understood and agreed that the payment of the above named sum is not to be considered as an
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this
instrument.

WITNESS my hand and seal this _____ day of _____, 20 _____.

William D. Bell (LS)
William D. Bell

The above release was read and explained to, and signed by the said William D. Bell

_____ in our presence on the date above written.
Guendalyn

WITNESSES

00- R -1718

RCS# 2356
11/06/00
2:45 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1-17

ADOPT

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

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty
B Starnes
Y Bond
Y Winslow

Y Dorsey
Y Woolard
Y Morris
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

Y Thomas
Y Emmons
Y Alexander
NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-R-1422
00-R-1666

CONSENT

11/06/00 Council Meeting		
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1577	30. 00-R-1716	59. 00-R-1753
2. 00-O-1586	31. 00-R-1724	60. 00-R-1754
3. 00-O-1615	32. 00-R-1725	61. 00-R-1755
4. 00-O-1661	33. 00-R-1727	62. 00-R-1756
5. 00-O-1663	34. 00-R-1728	63. 00-R-1757
6. 00-O-1670	35. 00-R-1729	64. 00-R-1758
7. 00-R-1578	36. 00-R-1730	65. 00-R-1759
8. 00-R-1685	37. 00-R-1731	66. 00-R-1760
9. 00-R-1780	38. 00-R-1732	67. 00-R-1761
10. 00-R-1659	39. 00-R-1733	68. 00-R-1762
11. 00-R-1688	40. 00-R-1734	69. 00-R-1763
12. 00-R-1689	41. 00-R-1735	70. 00-R-1764
13. 00-R-1704	42. 00-R-1736	71. 00-R-1765
14. 00-R-1722	43. 00-R-1737	72. 00-R-1766
15. 00-R-1723	44. 00-R-1738	73. 00-R-1767
16. 00-R-1708	45. 00-R-1739	74. 00-R-1768
17. 00-R-1774	46. 00-R-1740	75. 00-R-1769
18. 00-R-1709	47. 00-R-1741	76. 00-R-1770
19. 00-R-1710	48. 00-R-1742	77. 00-R-1771
20. 00-R-1711	49. 00-R-1743	78. 00-R-1772
21. 00-R-1712	50. 00-R-1744	79. 00-R-1773
22. 00-R-1713	51. 00-R-1745	
23. 00-R-1714	52. 00-R-1746	
24. 00-R-1715	53. 00-R-1747	
25. 00-R-1717	54. 00-R-1748	
26. 00-R-1718	55. 00-R-1749	
27. 00-R-1719	56. 00-R-1750	
28. 00-R-1720	57. 00-R-1751	
29. 00-R-1721	58. 00-R-1752	