

Entered - 09-21-01- sb
CL 01L0592 - ALEXIS HOLMES

CLAIM OF: **THOMAS L. KOENIG**
3230 Sugarloaf Club Drive
Duluth, Georgia 30097

01- R -1969

For vehicular damages alleged to have been sustained as a result of driving over an unraised manhole on July 16, 2001 at Roswell and Peachtree Roads.

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 **THOMAS L. KOENIG** the sum of **\$675.02** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for **vehicular damages alleged to have been sustained as a result of driving over an unraised manhole on July 16, 2001 at Roswell and Peachtree Roads** 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

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

CERTIFIED
DEC 03 2001

FAVORABLE REPORT

APPROVED
PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE
DATE: _____
CHAIR: _____

Standing committees
AGENDA
ADOPTED BY
DEC 03 2001
COUNCIL

ALL A CITY COUNCIL MEMBERS
DEC 3 2001
[Handwritten initials]

[Signature]
DEPUTY MUNICIPAL CLERK

DEC 12 2001
WITHOUT SIGNATURE
BY OPERATION OF LAW



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

01-R-1969

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 **Thomas L. Koenig** in the sum of **\$675.02** 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 driving over an unraised manhole on July 16, 2001 at Roswell and Peachtree Roads** 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,

A handwritten signature in black ink, appearing to read "Kris L. ...", is written over the text "A true copy," and "Deputy Clerk".

Deputy Clerk

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

DEC 03, 2001

DEC 12, 2001

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0592

Claimant /Victim THOMAS L. KOENIG
BY: (Atty)
Address: 3230 Sugarloaf Club Drive Duluth, Georgia 30097
Subrogation: Claim for Property damage \$ 675.02 Bodily Injury \$
Date of Notice: 9/9/01 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 7/16/01 Place: Roswell and Peachtree Roads
Department Public Works Division: Sewer Operations
Employee involved Preston Jackson Disciplinary Action No action taken

NATURE OF CLAIM: The claimant sustained vehicular damages to his vehicle when he drove over a manhole that had not been raised to the level of the roadway, thus creating a hazardous condition. The investigation determined that the City failed to raise the manholes in a timely manner after the roadway was resurfaced.

INVESTIGATION:

Statements: City employee Claimant X Other X Written X 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 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,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ 675.02 Adverse Account charged: 1A01 2J01 X 2H01
Claims Manager: Concur/date 11-16-01
Committee Action: Council Action