

01- R -1970

Entered - 10-17-01 - sb
CL - 01L0672 ALEXIS HOLMES

CLAIM OF: **DELICIA R. BANKS AND KENSIE BANKS**
2566 Cloud Lane
Decatur, Georgia 30034

For vehicular damages alleged to have been sustained as a result of a tree limb falling on their vehicle on September 24, 2001 at 257 West Lake Avenue.

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 **DELICIA R. BANKS AND KENSIE D. BANKS** the sum of **\$785.62** 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 a tree limb falling on their vehicle on September 24, 2001 at 257 West Lake Avenue** 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.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY *Robert N. Day*

FAVORABLE REPORT

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

APPROVED

CERTIFIED
DEC 03 2001

DEC 3 2001

Standing committees
AGENDA

ADOPTED BY
DEC 03 2001

COUNCIL

DEPUTY MUNICIPAL CLERK
[Signature]

WITHOUT SIGNATURE
BY OPERATION OF LAW

DEC 12 2001



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

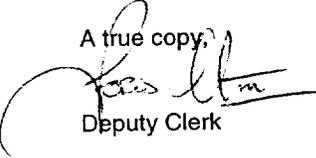
01-R-1970

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 **Delicia R. Banks & Kensie Banks** in the sum of **\$785.62** 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 tree limb falling on their vehicle on September 24, 2001 at 257 West Lake Avenue** 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,



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. 01L0672

Date: 11/15/01

Claimant /Victim DELICIA R. BANK AND KENSIE D. BANKS

BY: (Atty)

Address: 2566 Cloud Lane Decatur, Georgia 30034

Subrogation: Claim for Property damage \$ 785.62 Bodily Injury \$

Date of Notice: 10/10/01 Method: Written, proper X Improper

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

Date of Occurrence 9/24/01 Place: 257 West Lake Avenue

Department PRCA Division: Parks

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimants' sustained vehicular damage when a limb from a City tree fell breaking the windshield of their vehicle causing damages in the above amount. The City had notice of the hazardous condition of the tree prior to the incident involving the claimant.

INVESTIGATION:

Statements: City employee Claimant X Other Written X Oral

Pictures Diagrams X 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 X

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent X City Negligent X Joint Claim Abandoned

Respectfully submitted,

Alexis Holmes

INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ 785.62 Adverse Account charged: 1A01 X 2J01 2H01

Claims Manager: Concur/date 11-16-01

Committee Action: Council Action