

Entered - 12-04-01 - sb  
CL 01L0764 - GWENDOLYN BURNS

02-R-0418

CLAIM OF: APPLETREE TOWNHOUSE  
2328 Campbellton Road, SW  
Atlanta, Georgia 30311

For damages alleged to have been sustained when a sanitation truck spilled paint on a parking lot during a trash collection on October 16, 2001 at 2328 Campbellton Road, 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 **APPLETREE TOWNHOUSE** the sum of **\$1,500.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained when a sanitation truck spilled paint on a parking lot during a trash collection on October 16, 2001 at 2328 Campbellton Road, 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.

APPROVED: ROSALIND RUBENS NEWELL  
INTERIM CITY ATTORNEY

BY: *Robert Godfrey*  
ROBERT GODFREY  
DEPUTY CITY ATTORNEY

**FAVORABLE REPORT**

COMM: *Public Safety*  
DATE: *3-12-02*  
CHAIR: *[Signature]*  
*[Signature]*  
*[Signature]*

*Shirley Franklin*  
MAR 26 2002

ADOPTED BY  
MAR 1 8 2002  
COUNCIL

CERTIFIED  
MAR 1 8 2002  
ATLANTA CITY COUNCIL PRESIDENT  
*Catherine W. Woodard*

CERTIFIED  
MAR 1 8 2002  
MUNICIPAL CLERK  
*Rosalind Rubens Newell*

**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**02-R-0418**

**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 **Appletree Townhouse** in the sum of **\$1,500.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained when a **sanitation truck spilled paint on a parking lot during a trash collection on October 16, 2001 at 2328 Campbellton Road, 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 Daughkin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

MAR 18, 2002  
MAR 26, 2002

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0764

Date: February 28, 2002

Claimant /Victim APPLETREE TOWNHOUSE
BY: (Atty) (Ins. Co.)
Address: 2328 Campbellton Road, SW, Atlanta, Georgia 30311
Subrogation: Claim for Property damage \$ 1,500.00 Bodily Injury \$
Date of Notice: 11/19/01 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 10/16/01 Place: 2328 Campbellton Road, SW
Department PUBLIC WORKS Division Solid Waste Services
Employee involved Horace Mallard Disciplinary Action: None

NATURE OF CLAIM: Claimant sustained property damage when paint spilled from the sanitation truck onto its parking lot during a garbage collection.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures 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 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 City Negligent X Joint Claim Abandoned

Respectfully submitted,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 1,500.00 Adverse Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 02-01-02
Committee Action: Council Action

RCS# 3628  
3/18/02  
3:49 PM

Atlanta City Council

Regular Session

CONSENT I                      Pgs 1-13; Except 02-O-0167; 02-O-0458

ADOPT

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

YEAS: 11  
NAYS: 1  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	Y Moore	NV Mitchell
Y Starnes	Y Fauver	B Martin	Y Norwood
NV Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	N Boazman	NV Woolard

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
02-O-0167  
02-O-0458

**CORRECTED COPY**

**ITEMS ADOPTED  
ON CONSENT  
AGENDA**

- 1. 02-O-0361
- 2. 02-O-0456
- 3. 02-O-0465
- 4. 02-O-0466
- 5. 02-O-0468
- 6. 02-O-0469
- 7. 02-O-0335
- 8. 02-O-0336
- 9. 02-O-0462
- 10. 02-O-0342
- 11. 02-O-0378
- 12. 02-O-0251
- 13. 02-O-0324
- 14. 02-O-0346
- 15. 02-O-0254
- 16. 02-O-0352
- 17. 02-R-0165
- 18. 02-R-0382
- 19. 02-R-0407
- 20. 02-R-0483
- 21. 02-R-0484
- 22. 02-R-0194
- 23. 02-R-0482
- 24. 02-R-0252
- 25. 02-R-0388
- 26. 02-R-0391
- 27. 02-R-0409

**ITEMS ADOPTED  
ON CONSENT  
AGENDA**

- 28. 02-R-0446
- 29. 02-R-0448
- 30. 02-R-0449
- 31. 02-R-0472
- 32. 02-R-0395
- 33. 02-R-0406
- 34. 02-R-0412
- 35. 02-R-0413
- 36. 02-R-0414
- 37. 02-R-0415
- 38. 02-R-0416
- 39. 02-R-0417
- 40. 02-R-0418
- 41. 02-R-0419
- 42. 02-R-0420
- 43. 02-R-0421
- 44. 02-R-0422
- 45. 02-R-0423
- 46. 02-R-0447

**ITEMS ADVERSED  
ON CONSENT  
AGENDA**

- 47. 02-R-0410
- 48. 02-R-0411
- 49. 02-R-0424
- 50. 02-R-0425
- 51. 02-R-0426
- 52. 02-R-0427
- 53. 02-R-0428
- 54. 02-R-0429
- 55. 02-R-0430
- 56. 02-R-0431
- 57. 02-R-0432
- 58. 02-R-0433
- 59. 02-R-0434
- 60. 02-R-0435
- 61. 02-R-0436
- 62. 02-R-0437
- 63. 02-R-0438
- 64. 02-R-0439
- 65. 02-R-0440
- 66. 02-R-0441
- 67. 02-R-0442
- 68. 02-R-0443
- 69. 02-R-0444
- 70. 02-R-0445