



CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION

02-R-0446

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$4,264.50 IN SETTLEMENT OF THE CLAIM
OF MICHAEL WILSON, AGAINST THE CITY OF
ATLANTA**

WHEREAS, MICHAEL WILSON has filed a claim against the City of Atlanta seeking damages arising out of vehicular damages sustained when he drove his motor vehicle over a improperly secured and unmarked excavation site in the roadway; and

WHEREAS, on December 15, 2001 the claimant was proceeding to drive on a normal course of roadway on Pollard Boulevard, SW, and drove over several metal plates covering broken City sewer pipes without proper signs erected warning that a hazard existed; and

WHEREAS, the construction and maintenance of public roads is a ministerial function and therefore this claim is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

WHEREAS, the claimant has asserted damages in the amount of **\$4,264.50** and has agreed to accept this sum in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of **MICHAEL WILSON** be settled for the sum of **\$4,264.50**.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that **\$4,264.50** be paid by the City of Atlanta in satisfaction of any and all claims **MICHAEL WILSON** may have stemming from vehicle damages sustained by him on or about December 15, 2001 on Pollard Boulevard, SW.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above-mentioned sum from account number 2J01/529017/T31001.

A true copy,

Rhonda Dauphin 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. 02L0046

Date: 02/28/02

Claimant /Victim MICHAEL WILSON

BY: (Atty)(Ins.)

Address: 313 California Court Ellenwood, Georgia 30294

Subrogation: Claim for Property damage \$ 4,264.50 Bodily Injury \$

Date of Notice: 01/11/02 Method: Written, proper X Improper

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

Date of Occurrence 12/15/01 Place: Pollard Boulevard, SW

Department Public Works Division: Street Operations

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that he sustained damages when he drove his vehicle over an unmarked and improperly secured construction site. It was determined during an investigation that the City's sewer department performed work at the site, and placed the metal plates at the location where the claimant damaged his vehicle. The City has made the necessary repairs to correct the defect.

INVESTIGATION:

Statements: City employee Claimant X Other Written X Oral X

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 Joint Claim Abandoned

Respectfully submitted,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ 4,264.50 Adverse Account charged: 1A01 2J01 X 2H01

Claims Manager: Concur/date 03-01-02

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

03/18/02 Council Meeting

**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

02-R-0446
(Do Not Write Above This Line)

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IN SETTLEMENT OF THE CLAIM OF
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OF ATLANTA AND FOR OTHER
PURPOSES**

APPROVED BY:

**ROBERT N. GODFREY
DEPUTY CITY ATTORNEY**

MAR 18 2002

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred _____
Referred To: _____
Date Referred _____
Referred To: _____
Date Referred _____
Referred To: _____

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee PSLA
Date 3-12-02
Chair [Signature]
Action: Fav, Adv, Hold (see rev. side)
Other: _____
Members [Signatures]
Refer To _____

Committee _____
Date _____
Chair _____
Action: Fav, Adv, Hold (see rev. side)
Other: _____
Members _____
Refer To _____

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
Readings
 Consent V Vote RC Vote

CERTIFIED

CERTIFIED
MAR 18 2002

ATLANTA CITY COUNCIL PRESIDENT
Catherine W. Woodard

CERTIFIED
MAR 18 2002

Randy Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

MAR 20 2002
Harley [Signature]