

A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE
SETTLEMENT OF THE CLAIM OF
ELIZABETH BURKE IN THE AMOUNT OF
\$2,028.49 AGAINST THE CITY OF
ATLANTA

02-R -0518

WHEREAS, ELIZABETH BURKE has filed a claim against the City of Atlanta seeking damages arising out of a sewer excavation project located at 3536 Kingsboro Road, NE; and

WHEREAS, property owned by ELIZABETH BURKE has been damaged as a result of the City's failure to properly restore the landscaping back to its original state after completing an excavation project of a sanitary sewer line; and

WHEREAS, the claimant has asserted damages in the amount of \$2,028.49 and has agreed to accept this sum as 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 ELIZABETH BURKE, be settled for the sum of \$2,028.49.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$2,028.49 be paid by the City of Atlanta to ELIZABETH BURKE, in satisfaction of any and all claims they may have stemming from damages sustained to their property on or before February 7, 2002, at 3536 Kingsboro Road, NE, and that the City Attorney prepare appropriate releases.

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

A true copy,


Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

APR 01, 2002
APR 05, 2002

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0220

Date: March 15, 2002

Claimant /Victim ELIZABETH BURKE

BY: (Atty) (Ins. Co.)

Address: P. O. Box 53074, Atlanta, Georgia 30355

Subrogation: Claim for Property damage \$ 2,028.49 Bodily Injury \$

Date of Notice: 3/14/02 Method: Written, Proper X Improper

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

Date of Occurrence 2/7/02 Place: 3536 Kingsboro Road, NE

Department PUBLIC WORKS Division Sewer Operations

Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that she sustained damages to her residence during a sanitary sewer line excavation project.

INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X

Pictures Diagrams Reports: Police Dept Report X Other X

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 Joint Claim Abandoned

Respectfully submitted,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 2,028.49 Adverse Account charged: 1A01 2J01 X 2H01

Claims Manager: Concur/date 03/15/02

Committee Action: Council Action

04/01/02 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

**ITEMS ADOPTED ON
CONSENT AGENDA**

**ITEMS
ADVERSED
ON CONSENT
AGENDA**

1. 02-O-0562
2. 02-O-0564
3. 02-O-0566
4. 02-O-0568
5. 02-O-0582
6. 02-O-0389
7. 02-O-0392
8. 02-O-0390
9. 02-O-0458
10. 02-O-0394
11. 02-O-0397
12. 02-O-0399
13. 02-O-0400
14. 02-O-0401
15. 02-O-0402
16. 02-O-0403
17. 02-O-0404
18. 02-O-0405
19. 02-O-0408
20. 02-R-0464
21. 02-R-0494
22. 02-R-0495
23. 02-R-0496
24. 02-R-0500
25. 02-R-0560
26. 02-R-0569
27. 02-R-0570
28. 02-R-0571
29. 02-R-0572
30. 02-R-0573
31. 02-R-0574
32. 02-R-0595
33. 02-R-0596

34. 02-R-0486
35. 02-R-0511
36. 02-R-0587
37. 02-R-0492
38. 02-R-0493
39. 02-R-0557
40. 02-R-0521
41. 02-R-0522
42. 02-R-0523
43. 02-R-0524
44. 02-R-0525
45. 02-R-0526
46. 02-R-0527
47. 02-R-0528
48. 02-R-0529
49. 02-R-0530
50. 02-R-0567
51. 02-R-0588
52. 02-R-0518
53. 02-R-0556
54. 02-R-0558
55. 02-R-0585
56. 02-R-0586
57. 02-R-0349
58. 02-R-0506
59. 02-R-0532
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63. 02-R-0514
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 79. 02-R-0548
 80. 02-R-0549
 81. 02-R-0550
 82. 02-R-0551
 83. 02-R-0552
 84. 02-R-0553
 85. 02-R-0554
 86. 02-R-0555
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02-R-0518

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By: Rosalind Rubens Newell Interim City Attorney

ADOPTED BY

- CONSENT REFER APR 01 2002
REGULAR REPORT REFER
ADVERTISEMENT REFER
1st ADOPT 2nd READ & REFCOUNCIL
PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee Date Chair Referred to

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

- 2nd 1st & 2nd 3rd
Consent V Vote RC Vote

CERTIFIED

APR 1 2002

[Signature]

CERTIFIED APR 01 2002

Rosalind Rubens Newell MUNICIPAL CLERK

MAYOR'S ACTION

[Signature] APR 03 2002

MAYOR