

CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION

02- R-0556

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$2,603.68 IN SETTLEMENT OF THE CLAIM
OF KIMBERLY A. WATTERS AGAINST THE CITY OF
ATLANTA**

WHEREAS, Kimberly A. Watters has filed a claim against the City of Atlanta seeking damages arising out of damages sustained to her vehicle after driving into a severe depression in the roadway due to a collapsed sewer mainline ; and

WHEREAS, the City of Atlanta had received notice of this hazardous condition to the incident involving the claimant, but failed place the proper warning devices to alert the motoring public; 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 \$2,603.68 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 Kimberly A. Watters be settled for the sum of \$2,603.68.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$2,603.68 be paid by the City of Atlanta in satisfaction of any and all claims Kimberly A. Watters may have stemming from damages sustained to her vehicle on or about October 19, 2001 at Spring Street and Abercrombie Place.

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,


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. 02L0155

Date: March 8, 2002

Claimant /Victim KIMBERLY A. WATTERS

BY: (Atty.)(Ins. Co.) _____

Address: 462 Gaillardia Way, Acworth, Georgia 30102

Subrogation: _____ Claim for Property damage \$ 2,603.68 Bodily Injury \$ _____

Date of Notice: 02/19/02 Method: Written, proper X Improper _____

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

Date of Occurrence 10/09/01 Place: Spring Street and Abercrombie Place

Department Public Works Division: Sewer Operations

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant sustained damages to her vehicle when she drove through severe depression in the roadway that was caused when a sewer line collapsed. The City was on notice of this condition prior to the claimant's incident, but failed to place the necessary warning devices to alert the motoring public.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures X Diagrams _____ Reports: Police _____ Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____ X

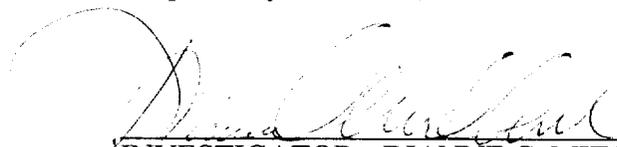
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X

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 _____

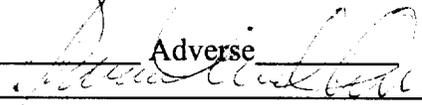
Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 2,603.68 Adverse _____ Account charged: 1A01 _____ 2J01 X 2H01 _____

Claims Manager:  Concur/date 3/8/02

Committee Action: _____ Council Action _____

RCS# 3635
4/01/02
2:42 PM

Atlanta City Council

Regular Session

CONSENT I

Except; 02-R-0531; 02-R-0499; R-0497; R-0561
02-R-0498; 02-R-0588; 02-R-0589; 02-R-0513

ADOPT

SEE ATTACHED LISTING OF ITEMS
ADOPTED/ADVERSED ON
CONSENT AGENDA

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y Smith
Y Starnes
Y Young
Y Winslow

Y Archibong
NV Fauver
Y Shook
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

Y Mitchell
Y Norwood
Y Willis
B Woolard

ITEM (S) REMOVED FROM
CONSENT AGENDA
02-R-0497
02-R-0498
02-R-0499
02-R-0513
02-R-0531
02-R-0561
02-R-0589

CORRECTED COPY

CONSENT I

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
60. 02-R-0533
61. 02-R-0534
62. 02-R-0535

63. 02-R-0514
 64. 02-R-0515
 65. 02-R-0516
 66. 02-R-0517
 67. 02-R-0536
 68. 02-R-0537
 69. 02-R-0538
 70. 02-R-0539
 71. 02-R-0540
 72. 02-R-0541
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 74. 02-R-0543
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 84. 02-R-0553
 85. 02-R-0554
 86. 02-R-0555
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02- R -0556

(Do Not Write Above This Line)

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APPROVED BY:

Robert N. Godfrey ROBERT N. GODFREY DEPUTY CITY ATTORNEY

APR 01 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

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
Readings
Consent
V Vote
RC Vote

CERTIFIED

APR 1 2002

[Signature]

CERTIFIED

APR 01 2002

[Signature] MUNICIPAL CLERK

MAYOR'S ACTION

[Signature] APR 05 2002