

Entered - 11-01-02 - sb  
CL 01L0710 ALEXIS HOLMES

02-*R*-0918

CLAIM OF: **KEVIN B.D. BANKS**  
1126 Moreland Place  
Atlanta, Georgia 30316

For injuries alleged to have been sustained as a result of riding over a pothole and being thrown from his bicycle on October 3, 2001 at Bolton Road and Main Street, NW.

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 **KEVIN B.D. BANKS**, the sum of **\$1,161.51** in full settlement and satisfaction of all claims, past, present and future, of every kind and character **for injuries alleged to have been sustained as a result of riding over a pothole and being thrown from his bicycle on October 3, 2001 at Bolton Road and Main Street, NW** 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.

CONSENT AGENDA

APPROVED: ROSALIND RUBENS NEWELL  
INTERIM CITY ATTORNEY

BY: *Robert N. Godfrey*  
ROBERT N. GODFREY  
DEPUTY CITY ATTORNEY

ADOPTED BY  
JUN 03 2002  
COUNCIL

CERTIFIED  
JUN 03 2002  
*Rosalind Rubens Newell*  
MUNICIPAL CLERK

CERTIFIED  
JUN 03 2002  
ATLANTA CITY COUNCIL PRESIDENT  
*Robert W. Woodard*

FAVORABLE REPORT

COMM: *Public Safety*  
DATE: *5/28/02*  
CHAIR: *Natasha Archibald*  
*G. J. Martin*  
*Chela Thomas*  
*Carla Smith*

*Shirley Franklin*  
JUN 10 2002  
MAYOR



**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

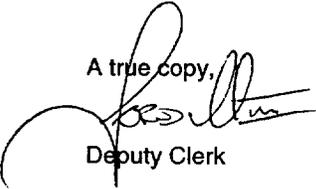
**02-R-0918**

**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 **Kevin B. D. Banks** in the sum of **\$1,161.51** 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 **riding over a pothole and being thrown from his bicycle on October 3, 2001 at Bolton Road and Main Street NW** 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  
APPROVED by the Mayor**

**JUN 03, 2002  
JUN 10, 2002**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 0LI0710

Date: 05/13/02

Claimant /Victim KEVIN B.D. BANKS
BY: (Atty)
Address: 1126 Moreland Place Atlanta, Georgia 30316
Subrogation: Claim for Property damage \$ 116.31 Bodily Injury \$ 1,045.20
Date of Notice: 11/01/01 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 10/03/01 Place: Bolton Road and Main Street, NW
Department Public Works Division: Street Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant states that he sustained property and personal injuries when he was thrown from his bicycle after riding over a pothole in the roadway. Based on interviews with witnesses, the condition of the roadway appears to have existed for such a length of time that the City should have known of its condition. The City has taken the necessary steps to repair the pothole.

INVESTIGATION:

Statements: City employee Claimant X Other Written X Oral X
Pictures X Diagrams Reports: Police Dept Report Other X
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,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ 1,161.51 Adverse Account charged: 1A01 X 2J01 2H01
Claims Manager: Concur/date 05-15-02
Committee Action: Council Action

RCS# 3776  
6/03/02  
2:19 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-14; Except 02-R-0974; 02-O-0952

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

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
02-O-0952

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**06/03/02 Council  
Meeting**

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**ITEMS ADOPTED ON  
CONSENT AGENDA**

**ITEMS ADOPTED ON  
CONSENT AGENDA**

**ITEMS  
ADVERSED  
ON CONSENT  
AGENDA**

1. 02-O-0726
2. 02-O-0723
3. 02-O-0694
4. 02-O-0854
5. 02-O-0709
6. 02-O-0710
7. 02-O-0711
8. 02-O-0712
9. 02-O-0713
10. 02-O-0714
11. 02-O-0715
12. 02-O-0716
13. 02-O-0717
14. 02-O-0953
15. 02-O-0719
16. 02-O-0720
17. 02-O-0722
18. 02-O-0959
19. 02-O-0962
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21. 02-O-0967
22. 02-O-0730
23. 02-O-0958
24. 02-O-0961
25. 02-R-0894
26. 02-R-0948
27. 02-R-0949
28. 02-R-0905
29. 02-R-0906
30. 02-R-0904
31. 02-R-0954
32. 02-R-0974
33. 02-R-0801

34. 02-R-0892
35. 02-R-0895
36. 02-R-0896
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40. 02-R-0950
41. 02-R-0968
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  78. 02-R-0945
  79. 02-R-0946
  80. 02-R-0947
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