

ADOPTED BY  
SEP 16 2002  
COUNCIL

Entered - 09-06-00 sb  
CL - 00L0541 - ALEXIS HOLMES

02-*R*-1508

CLAIM OF: KEVIN PATRICK SOUTHARD  
P.O. Box 8844  
Atlanta, Georgia 31106

CERTIFIED  
SEP 16 2002  
ATLANTA CITY COUNCIL PRESIDENT  
*Kevin M. Holladay*

For damages alleged to have been sustained as a result of a stopped up catch basin on August 23, 2000 at North Avenue and Penn Avenue.

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 PATRICK SOUTHARD the sum of \$2,000.00 in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a stopped up catch basin on August 23, 2000 at North Avenue and Penn Avenue 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: LINDA K. DISANTIS  
CITY ATTORNEY

CERTIFIED  
SEP 18 2002  
*Linda K. Disantis*  
MUNICIPAL CLERK

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

**FAVORABLE REPORT**

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: *9/10/02*  
CHAIR: \_\_\_\_\_

*[Signature]*  
*[Signature]*  
*C.T. Martin*  
*Carla Smith*  
*[Signature]*  
*Clela Tinslow*

*[Signature]*  
APPROVED  
*[Signature]*  
SEP 24 2002  
MAYOR



**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**02-R-1508**

**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 Patrick Southard** in the sum of **\$2,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of a **stopped up catch basin on August 23, 2000 at North Avenue and Penn Avenue** 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 Daughin Johnson*  
Municipal Clerk, CMC

**ADOPTED by the Council  
APPROVED by the Mayor**

SEP 16, 2002  
SEP 24, 2002

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0541

Date: 08/26/01

Claimant /Victim KEVIN PATRICK SOUTHARD

BY: (Atty)

Address: P.O. Box 8844 Atlanta, Georgia 31106

Subrogation: Claim for Property damage \$ 2,312.00 Bodily Injury \$

Date of Notice: 9/1/00 Method: Written, proper X Improper

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

Date of Occurrence 8/23/00 Place: North Avenue and Penn Avenue

Department Public Works Division: Sewer Operations

Employee involved Disciplinary Action

NATURE OF CLAIM: The claimant sustained damages to his vehicle when a broken City catch basin stopped up during a storm and flooded his vehicle. The City had notice of the problems at this location prior to the claimant's incident. The City has made the necessary repairs to correct the problems.

INVESTIGATION:

Statements: City employee X Claimant X Other X 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 X Other Damages reasonable X

City not involved Offer rejected Compromise settlement X

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent X City Negligent X Joint Claim Abandoned

Respectfully submitted,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ 2,000.00 Adverse Account charged: 1A01 X 2J01 2H01

Claims Manager: Concur/date 08-29-02

Committee Action: Council Action



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09/16/02 Council Meeting

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**ITEMS ADOPTED ON CONSENT  
AGENDA**

**ITEMS ADVERSED  
ON CONSENT AGENDA**

- |               |               |               |
|---------------|---------------|---------------|
| 1. 02-O-1453  | 43. 02-R-1509 | 45. 02-R-1502 |
| 2. 02-O-1586  | 44. 02-R-1510 | 46. 02-R-1503 |
| 3. 02-O-1496  |               | 47. 02-R-1504 |
| 4. 02-O-1389  |               | 48. 02-R-1505 |
| 5. 02-O-1390  |               | 49. 02-R-1506 |
| 6. 02-O-0791  |               | 50. 02-R-1511 |
| 7. 02-O-1258  |               | 51. 02-R-1512 |
| 8. 02-O-1298  |               | 52. 02-R-1513 |
| 9. 02-O-1391  |               | 53. 02-R-1514 |
| 10. 02-O-1395 |               | 54. 02-R-1515 |
| 11. 02-O-1450 |               | 55. 02-R-1516 |
| 12. 02-R-1535 |               | 56. 02-R-1517 |
| 13. 02-R-1541 |               | 57. 02-R-1518 |
| 14. 02-R-1546 |               | 58. 02-R-1519 |
| 15. 02-R-1526 |               | 59. 02-R-1520 |
| 16. 02-R-1527 |               | 60. 02-R-1521 |
| 17. 02-R-1528 |               | 61. 02-R-1522 |
| 18. 02-R-1529 |               | 62. 02-R-1523 |
| 19. 02-R-1530 |               | 63. 02-R-1524 |
| 20. 02-R-1531 |               | 64. 02-R-1525 |
| 21. 02-R-1532 |               |               |
| 22. 02-R-1560 |               |               |
| 23. 02-R-1561 |               |               |
| 24. 02-R-1615 |               |               |
| 25. 02-R-1563 |               |               |
| 26. 02-R-1564 |               |               |
| 27. 02-R-1565 |               |               |
| 28. 02-R-1566 |               |               |
| 29. 02-R-1568 |               |               |
| 30. 02-R-1569 |               |               |
| 31. 02-R-1570 |               |               |
| 32. 02-R-1572 |               |               |
| 33. 02-R-1573 |               |               |
| 34. 02-R-1574 |               |               |
| 35. 02-R-1487 |               |               |
| 36. 02-R-1533 |               |               |
| 37. 02-R-1557 |               |               |
| 38. 02-R-1558 |               |               |
| 39. 02-R-1559 |               |               |
| 40. 02-R-1616 |               |               |
| 41. 02-R-1507 |               |               |
| 42. 02-R-1508 |               |               |

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Consent I Vote: 14 Yeas; 0 Nays (See RCS #3984)

Items Removed from Consent: 02-O-1591; 02-O-1592; 02-R-1589; 02-O-1540; 02-R-1542