

A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

02-*R*-1526

**A RESOLUTION AUTHORIZING THE
SETTLEMENT OF THE CLAIM OF EDDIE
LOUIS IN THE AMOUNT OF \$3,125.21
AGAINST THE CITY OF ATLANTA**

WHEREAS, EDDIE LOUIS, has filed a claim against the City of Atlanta seeking damages to his vehicle; and

WHEREAS, the damage to EDDIE LOUIS' vehicle occurred when he drove over a metal plate that was not properly secured to the roadway; 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 \$3,125.21 and has agreed to accept this sum in full and complete satisfaction and settlement of his claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of EDDIE LOUIS, be settled for the sum of \$3,125.21.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$3,125.21 be paid by the City of Atlanta to EDDIE LOUIS, in satisfaction of any and all claims he may have stemming from damages sustained to his vehicle on or about April 20, 2002 at 60 Cleveland Avenue, SE 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,

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. 02L0328

Date: August 30, 2002

Claimant /Victim EDDIE LOUIS
BY: (Atty) (Ins. Co.)
Address: 2587 Bonny Brook Drive, SW, Atlanta, Georgia 30311
Subrogation: Claim for Property damage:\$ 3,125.21 Bodily Injury \$
Date of Notice: 5/2/02 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 4/20/02 Place: 60 Cleveland Avenue, SE
Department PUBLIC WORKS Division Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant sustained vehicular damage when he drove over a metal plate in the roadway that was improperly covering a sanitary sewer construction site.

INVESTIGATION:

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

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 3,125.21 Adverse Account charged: 1A01 2J01 X 2P01 2H01
Claims Manager: Concur/date 08-30-02
Committee Action: Council Action

09/16/02 Council Meeting

**ITEMS ADOPTED ON CONSENT
AGENDA**

1. 02-O-1453
2. 02-O-1586
3. 02-O-1496
4. 02-O-1389
5. 02-O-1390
6. 02-O-0791
7. 02-O-1258
8. 02-O-1298
9. 02-O-1391
10. 02-O-1395
11. 02-O-1450
12. 02-R-1535
13. 02-R-1541
14. 02-R-1546
15. 02-R-1526
16. 02-R-1527
17. 02-R-1528
18. 02-R-1529
19. 02-R-1530
20. 02-R-1531
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

**ITEMS ADVERSED
ON CONSENT AGENDA**

43. 02-R-1509
44. 02-R-1510
45. 02-R-1502
46. 02-R-1503
47. 02-R-1504
48. 02-R-1505
49. 02-R-1506
50. 02-R-1511
51. 02-R-1512
52. 02-R-1513
53. 02-R-1514
54. 02-R-1515
55. 02-R-1516
56. 02-R-1517
57. 02-R-1518
58. 02-R-1519
59. 02-R-1520
60. 02-R-1521
61. 02-R-1522
62. 02-R-1523
63. 02-R-1524
64. 02-R-1525

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

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

02-R-1526
(Do Not Write Above This Line)

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ADMINISTRATION COMMITTEE**

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THE SETTLEMENT OF THE
CLAIM OF EDDIE LOUIS IN
THE AMOUNT OF \$3,125.21
AGAINST THE CITY OF
ATLANTA**

By: Rosalind Rubens Newell
Deputy City Attorney

ADOPTED BY

- 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 9/10/02

Chair _____

Action: _____

Fav, Adv, Hold (see rev. side) _____

Other: _____

Members
[Signature]
[Signature]
[Signature]

Refer To _____

Committee _____

Date _____

Chair _____

Action: _____

Fav, Adv, Hold (see rev. side) _____

Other: _____

Members _____

Refer To _____

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

CERTIFIED

CERTIFIED

SEP 16 2002

[Signature]
MUNICIPAL PRESIDENT

CERTIFIED

SEP 16 2002

[Signature]
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

[Signature]

SEP 14 2002

MAYOR