

**CITY COUNCIL
ATLANTA, GEORGIA**

A RESOLUTION

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE

02- R -1532

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$8,571.00 TO JERRY MCHAN IN
SETTLEMENT OF HIS CLAIM AGAINST THE CITY OF
ATLANTA AND FOR OTHER PURPOSES**

WHEREAS, during 2001 and 2002 the City, through its contractor, Shaheed's Construction Company, Inc., has been installing new storm sewers around and through Fairview Road in Northeast Atlanta; and

WHEREAS, Jerry McHan has filed a claim against the City of Atlanta seeking recovery for damages sustained to his property arising from the construction of a storm sewer on his property by Shaheed's Construction Company, Inc.; and

WHEREAS, the damage done by Shaheed's Construction Company, Inc., included damage to the claimant's landscape, removal and replacement of a mature Magnolia tree that died due to the construction and cleaning of the exterior of the home and driveway; and

WHEREAS, the claimant has asserted damages in excess of **\$10,571.00** but has agreed to accept the sum of **\$8,571.00** 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 Jerry McHan be settled for the sum of **\$8,571.00**.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that **\$8,571.00** be paid by the City of Atlanta in satisfaction of any and all claims Jerry McHan may have stemming from damages sustained to his property located at 1327 Fairview Road during 2001 and 2002.

BE IT FURTHER RESOLVED that the City Attorney be granted the authority to take all necessary action, up to and including the filing of a lawsuit to pursue recovery for the damages caused by the contractor, Shaheed's Construction Company, Inc.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 1A01/529017/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. 02L0428

Date: August 1, 2002

Claimant /Victim JERRY MCHAN

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

Address: 1327 Fairview Road, Atlanta, Georgia 30306

Subrogation: _____ Claim for Property damage \$ 10,571.00 Bodily Injury \$ _____

Date of Notice: 06/18/02 Method: Written, proper X Improper _____

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

Date of Occurrence 2001 through 2002 Place: 1327 Fairview Road

Department Public Works Division: Infrastructure

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: During the last ten months the City, through its contractor, Shaheed's Construction Company, Inc., has been installing new storm sewers around and through the claimant's property. During this process the claimant's property was damaged by the contractor.

INVESTIGATION:

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

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

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 _____

City not involved _____ Offer rejected _____ Compromise settlement X

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

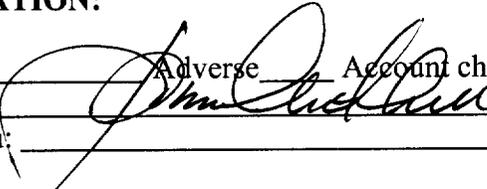
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 8,571.00 Adverse _____ Account charged: 1A01 X 2J01 _____ 2H01 _____ 2P01 _____

Claims Manager:  Concur/date 08/28/02

Committee Action: _____ Council Action _____

RCS# 3984
9/16/02
2:03 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-14; except 02-O-1591; 02-O-1592
 02-R-1589; 02-R-1540; 02-R-1542
 ADOPT

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

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

CONSENT I

09/16/02 Council Meeting

**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 | | |

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-1532

(Do Not Write Above This Line)

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ADOPTED BY

APPROVED BY: SEP 16 2002

Rosalind Rubens Newell DEPUTY CITY ATTORNEY

- 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

SEP 16 2002

Mayor's Signature

CERTIFIED

SEP 16 2002

Municipal Clerk's Signature

MAYOR'S ACTION

APPROVED

SEP 24 2002

MAYOR

MAYOR