Entered - 02/19/03 - sb
CL03L0136 - DIANNE C. MITCHELL

CLAIM OF: **DERWIN WILLIAMS**
6957-C Roswell Road
Atlanta, Georgia 30328

03-R-0329

ADOPTED BY
MAR 17 2003
COUNCIL

For damages alleged to have been sustained as a result of vehicular damage due to driving over a pothole on February 5, 2003 at 363 Hill Street, SE.

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 **DERWIN WILLIAMS** the sum of **$2,601.48** 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 vehicular damage due to driving over a pothole on February 5, 2003 at 363 Hill Street, SE. 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.

CERTIFIED
MAR 17 2003
ATLANTA CITY COUNCIL PRESIDENT

APPROVED: **LINDA K. DISANTIS**
CITY ATTORNEY

CERTIFIED
MAR 17 2003
MUNICIPAL CLERK

BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

APPROVED
MAR 2[illegible] 2003
MAYOR

FAVORABLE REPORT
COMM: Public Safety
DATE: 3/13/03
CHAIR:

MUNICIPAL CLERK
ATLANTA, GEORGIA

03-R-0329

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 **Derwin Williams** in the sum of **$2,601.48** 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 vehicular damage due to driving over a pothole on February 5, 2003 at 363 Hill Street SE** 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 City Council March 17, 2003
APPROVED by the Mayor March 25, 2003

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. **03L0136** Date: February 26, 2003

Claimant /Victim **DERWIN WILLIAMS**
BY: (Atty)(Ins. Co.)
Address: 6957-C Roswell Road, Atlanta, Georgia 30328
Subrogation: _____ Claim for Property damage $ **2,601.48** Bodily Injury $ _____
Date of Notice: 02/18/03 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 02/05/03 Place: 363 Hill Street
Department **Public Works** Bureau: **Highways and Streets**
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant damaged his vehicle when he drove over a pothole causing damages in the above amount. The condition of the roadway appears to have existed for such a length of time that the City had implied notice of this hazardous condition.

INVESTIGATION:

Statements: City employee X Claimant _____ Others _____ Written _____ Oral X
Pictures X Diagrams _____ Reports: Police X 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 $ **2,601.48** Adverse Account charged: 1A01 X 2J01 _____ 2H01 _____ 2P01 _____
Claims Manager: _____ Concur/date 02-26-03
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 4538
3/17/03
2:53 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-11; Except 03-O-0219; 03-O-0323
03-O-0220; 03-O-0221
ADOPT

YEAS:	12
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	3
EXCUSED:	0
ABSENT	1

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

3/17/03 FULL COUNCIL MEETING

Items Adopted on the Consent Agenda

1. 03-O-0408
2. 03-O-0392
3. 03-O-0305
4. 03-O-0380
5. 03-O-0388
6. 03-O-0234
7. 03-O-0228
8. 03-O-0229
9. 03-O-0385
10. 03-O-0386
11. 03-R-0348
12. 03-R-0349
13. 03-R-0351
14. 03-R-0352
15. 03-R-0597
16. 03-R-0353
17. 03-R-0354
18. 03-R-0190
19. 03-R-0346
20. 03-R-0361
21. 03-R-0417
22. 03-R-0356
23. 03-R-0357
24. 03-R-0358
25. 03-R-0370
26. 03-R-0371
27. 03-R-0372
28. 03-R-0373
29. 03-R-0374
30. 03-R-0383
31. 03-R-0387
32. 03-R-0325
33. 03-R-0326
34. 03-R-0327
35. 03-R-0328
36. 03-R-0329
37. 03-R-0330
38. 03-R-0331
39. 03-R-0332
40. 03-R-0333
41. 03-R-0334
42. 03-R-0335
43. 03-R-0347
44. 03-R-0415

Items Adversed on the Consent Agenda

45. 03-R-0336
46. 03-R-0337
47. 03-R-0338
48. 03-R-0339
49. 03-R-0340
50. 03-R-0341
51. 03-R-0342
52. 03-R-0343
53. 03-R-0344
54. 03-R-0345

Consent I Vote: 12Yeas; 0 Nays: (See RCS #4538)

Items Removed from the Consent Agenda: 03-O-0219; 03-O-0323; 03-O-0220; & 03-O-0221