

Entered - 01/29/03 - sb  
CL03L0065 - DIANNE C. MITCHELL

03- R-0415

CLAIM OF: **RANDOLPH P. MARTIN, MD**  
3360 Nancy Creek Road, NW  
Atlanta, Georgia 30327

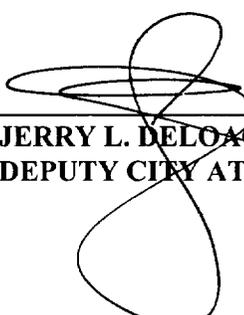
**ADOPTED BY**  
**MAR 17 2003**  
**COUNCIL**

For damages alleged to have been sustained as a result of a storm sewer overflow on August 1, 2002 to present at 3360 Nancy Creek Road, NW.

BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE:

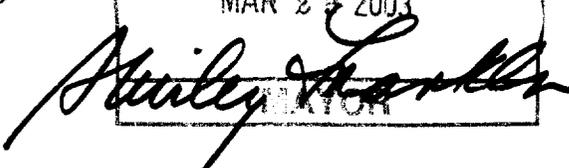
BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **RANDOLPH P. MARTIN, MD** the sum of **\$1,930.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a storm sewer overflow on August 1, 2002 to present at 3360 Nancy Creek Road, 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.

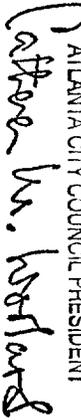
APPROVED: **LINDA K. DISANTIS**  
CITY ATTORNEY

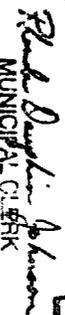
BY:   
**JERRY L. DELOACH**  
DEPUTY CITY ATTORNEY

**FAVORABLE REPORT**

COMM: Public Safety  
DATE: 3/13/03  
CHAIR: [Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]

**APPROVED**  
MAR 25 2003  
  
DIRECTOR

**CERTIFIED**  
MAR 17 2003  
ATLANTA CITY COUNCIL PRESIDENT  


**CERTIFIED**  
MAR 17 2003  
MUNICIPAL CLERK  




**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

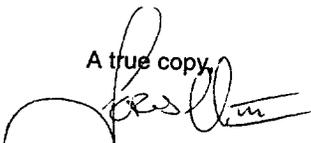
**03-R-0415**

**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 **Randolph P. Martin, MD** in the sum of **\$1,930.00** 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 storm sewer overflow on August 1, 2002 to present at 3360 Nancy Creek Road, 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 City Council  
APPROVED by the Mayor**

March 17, 2003  
March 25, 2003

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0065

Date: February 27, 2003

Claimant /Victim RANDOLPH P. MARTIN, MD

BY: (Atty)(Ins. Co.)

Address: 3360 Nancy Creek Road, NW, Atlanta, Georgia 30327

Subrogation: Claim for Property damage \$ 1,930.00 Bodily Injury \$

Date of Notice: 01/28/03 Method: Written, proper X Improper

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

Date of Occurrence 08/01/02 to present Place: 3360 Nancy Creek Road, NW

Department Watershed Management Bureau: Sewer Operations

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant's property has been damaged over the last eighteen months due to a clogged and broken storm sewer. Based on interviews with a Sewer Operations supervisor, the condition of this storm sewer has existed for an extended period of time. The City has taken measures to clean and repair the storm sewer line.

INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X

Pictures X 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 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,

[Handwritten signature of Dianne C. Mitchell]

INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 1,930.00 Adverse Account charged: 1A01 X 2J01 2H01 2P01

Claims Manager: [Signature] Concur/date 03-03-03

Committee Action: Council Action



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**3/17/03 FULL COUNCIL MEETING**

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**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

**Items Adversed on the Consent  
Agenda**

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
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

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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