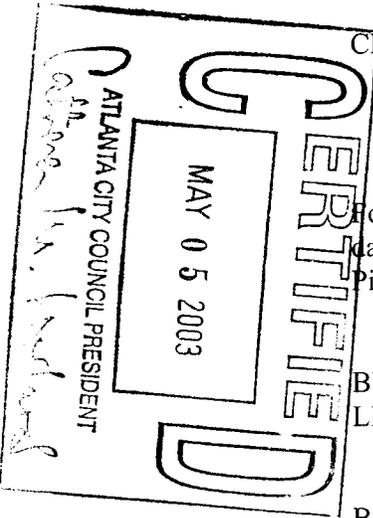


Entered - 03/05/03 - sb
CL03L0149 - DIANNE C. MITCHELL

CLAIM OF: **MARIA ANNE GELDERMAN**
300 South Eagles Bluff
Alpharetta, Georgia 30022

03- 2 -0637

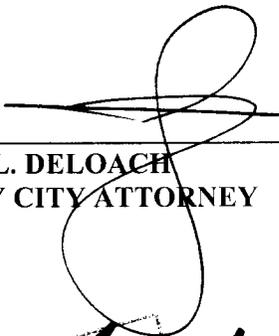


For damages alleged to have been sustained as a result of vehicular damage due to a falling traffic cable on February 10, 2003 at 3037 Piedmont Road, NE

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 **MARIA ANNE GELDERMAN** the sum of **\$2,575.83** 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 a falling traffic cable on February 10, 2003 at 3037 Piedmont Road, NE 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.

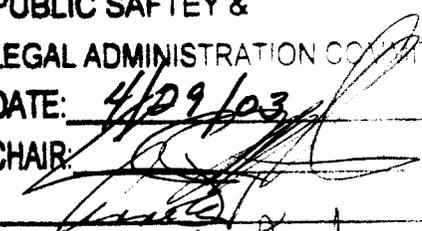
APPROVED: **LINDA K. DISANTIS**
CITY ATTORNEY

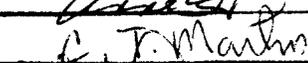
BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

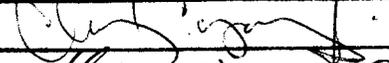
FAVORABLE REPORT

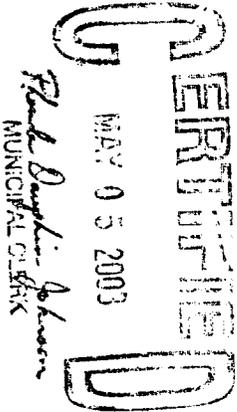
**PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE**

DATE: 4/29/03

CHAIR: 


C. J. Martin


Mary Norwood



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

03-R-0637

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 **Maria Anne Gelderman** in the sum of **\$2,575.83** 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 a falling traffic cable on February 10, 2003 at 3037 Piedmont Road, NE** 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.

Maria Gelderman
300 South Eagles Bluff
Alpharetta, GA 30022

February 14, 2003

Council of the City of Atlanta
Municipal Clerk
City Hall
55 Trinity Avenue, SW
Atlanta, GA 30335

Subject: Damage to my vehicle as a result of the City of Atlanta Traffic and Transportation Department dropping a large cable on my car.

Dear Municipal Clerk:

Please find enclosed, per your request, your Claim for Damages Form, two (2) estimates of repair and a copy of the title to my Mazda Tribute. I want my vehicle repaired at McGraw Auto Paint & Body in Lilburn because I've done business with them in the past and have always been very pleased with their work. I trust that they will restore my brand new vehicle to its original condition. In addition, I need to know the procedure for securing a rental car while my car is in the shop for the repairs. McGraw's estimated that it will take approximately eight (8) days to complete the repairs. I have not yet obtained a copy of the police report taken at the scene, but the case number is 030410880 and it is at the Buckhead, Zone 2 office.

I would like to have my car repaired as soon as possible, so I would greatly appreciate hearing from you very soon. You can reach me at the address above or you can call me at work during weekdays at (404) 634-5196 extension 1120 or at home in the evenings and on weekends at (770) 587-9838.

Thank you for your help in this matter and I look forward to hearing from you soon.

Sincerely,



Maria Gelderman

03-  -0637

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RECEIVED

RE: CLAIM FOR DAMAGES

Today's Date: 2/10/03

FEB 26 2003

ENTERED - 3-5-03 - SB
03L0149 - DIANNE MITCHELL

Mr. Reid
03/03/03
[Signature]

MUNICIPAL CLERK

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 2,140.51 plus rental car and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 02/10/03 (month/day/year) 2. Time of Incident: 11:35 AM 3. Police called: Yes No
4. Location of incident (including street address): Krystal^{at} on Piedmont at P'tree Rd, Atlanta (3037)?
5. Name of your insurance company: State Farm Policy No. 202 7669 B12 11
6. State what and how incident occurred: I was turning into the Krystal and when I was partly in the drive & partly in the street, a large cable that was running from utility pole to utility pole, crashed down on top of my car. Mr. James Reid, supervisor, came up to me telling me he didn't see me pulling in, when he gave the order to cut the cable. He said his vision was blocked by one of his trucks.
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: Mazda Tribute, 2002 BR 336 Maria Gelderman
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: James Reid 124 Claire Dr Atlanta 404-658-7862
(Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Maria Gelderman
Signature of Claimant

Maria Gelderman
(Print Claimant's Name)

300 South Eagles Bluff
(Address)

Alpharetta Ga. 30022
(City, State and Zip Code)

(404) 634-5196 x1120 (770) 587-9838
(Work Number) (Home Number)

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0149

Date: April 17, 2003

Claimant /Victim MARIA ANNE GELDERMAN

BY: (Atty)(Ins. Co.)

Address: 300 South Eagles Bluff, Alpharetta, Georgia 30022

Subrogation: Claim for Property damage \$ 2,575.83 Bodily Injury \$

Date of Notice: 02/26/03 Method: Written, proper X Improper

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

Date of Occurrence 02/10/03 Place: 3037 Piedmont Road

Department Public Works Division: Traffic and Transportation

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant's vehicle was damaged when an unused traffic cable was cut and fell onto same. The investigation determined that the Traffic Signal Shop crew was negligent when they failed to take the appropriate safety measure to block the driveway into the location prior to cutting the cable. When the crew cut the cable it fell, striking the claimant's vehicle as she was entering the parking lot.

INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X

Pictures X Diagrams Reports: Police X 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 X City Negligent Joint Claim Abandoned

Respectfully submitted,

[Handwritten signature of Dianne C. Mitchell]

INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 2,575.83 Adverse Account charged: 1A01 X 2J01 2H01 2P01

Claims Manager: [Signature] Concur/date 04-17-03

Committee Action: Council Action

**MUNICIPAL CLERK
ATLANTA, GEORGIA**

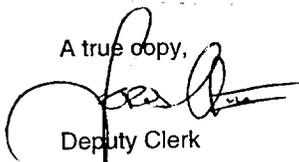
03-R-0637

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 **Maria Anne Gelderman** in the sum of **\$2,575.83** 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 a falling traffic cable on February 10, 2003 at 3037 Piedmont Road, NE** 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**

May 5, 2003
May 13, 2003

5/05/03 FULL COUNCIL MEETING

Items Adopted on the Consent Agenda

1. 03-O-0654
2. 03-O-0657
3. 03-O-0664
4. 03-O-0673
5. 03-O-0674
6. 03-O-0675
7. 03-O-0676
8. 03-O-0548
9. 03-O-0666
10. 03-O-0652
11. 03-O-0107
12. 03-O-0495
13. 03-O-0540
14. 03-O-0567
15. 03-O-0568
16. 03-O-0573
17. 03-O-0594
18. 03-O-0661
19. 02-O-0680
20. 03-O-0435
21. 03-O-0547
22. 03-R-0596
23. 03-R-0597
24. 03-R-0599
25. 03-R-0603
26. 03-R-0604
27. 03-R-0605
28. 03-R-0607
29. 03-R-0366
30. 03-R-0618
31. 03-R-0619
32. 03-R-0620
33. 03-R-0621
34. 03-R-0622
35. 03-R-0623

**Items Adversed on the
Consent Agenda**

58. 03-R-0641
59. 03-R-0642
60. 03-R-0643
61. 03-R-0644
62. 03-R-0646

Consent I Vote: 12Yeas; 0 Nays: (See RCS #4709) (1st Consent Vote: 13Yeas; 0 Nays
(See RCS #4667); Reconsidered:12 Yeas; 1 Nay (See RCS #4708))

Items Removed from the Consent Agenda: 03-R-0616; 03-O-0672; 03-R-0629; 03-O-0449