

Entered - 10/01/01 - sb
CL 01L0607 - GWENDOLYN BURNS

CLAIM OF: **LEBBY R. NEAL**
2416 Woodward Way
Atlanta, Georgia 30305

03- R -0645

For vehicular damages alleged to have been sustained when a sprinkler system was damaged during a curb installation on July 23, 2001 at 2416 Woodward Way.

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 **LEBBY R. NEAL** the sum of **\$1,170.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained when a sprinkler system was damaged during a curb installation on July 23, 2001 at 2416 Woodward Way 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.

FAVORABLE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 4/29/03

CHAIR: [Signature]

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

BY: [Signature]
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C. T. Martin
[Signature]
Mary Donwood

[Signature]
MAY 13 2003

CERTIFIED
MAY 05 2003
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
MAY 05 2003
MUNICIPAL CLERK
[Signature]

5/05/03 FULL COUNCIL MEETING

Items Adopted on the Consent Agenda**Items Adversed 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

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

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0607

Date: April 17, 2003

Claimant /Victim LEBBY R. NEAL
BY: (Atty) (Ins. Co.)
Address: 2416 Woodard Way, Atlanta, Georgia 30305
Subrogation: Claim for Property damage \$ 1,170.00 Bodily Injury \$
Date of Notice: 9/12/01 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 7/23/01 Place: 2416 Woodward Way
Department PUBLIC WORKS Division Street Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant sustained property damage when her sprinkler system was damaged during a curb installation. An investigation determined that the claimant had removed the system from the right-of-way, however, City crews encroached on the claimant's private property and damaged the water lines to the sprinkler system.

INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X
Pictures Diagrams Reports: Police Dept Report 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 \$ 1,170.00 Adverse Account charged 1A01 X 2P01 2J01 2H01
Claims Manager: Concur/date 04-17-03
Committee Action: Council Action

**MUNICIPAL CLERK
ATLANTA, GEORGIA**

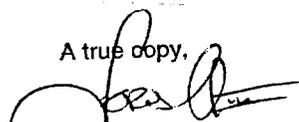
03-R-0645

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 **Lebby R. Neal** in the sum of **\$1,170.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained **when a sprinkler system was damaged during a curb installation on July 23, 2001 at 2416 Woodward Way** 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

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

RECEIVED

SEP 12 2001

MUNICIPAL CLERK

RE: CLAIM FOR DAMAGES

Today's Date:

8-31-01

ENTERED - 10-1-01 - SB
01L0607 - GWEN BURNS

BURNS
09/26/01

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1200.00 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 7-23-01 (month/day/year) 2. Time of Incident: 9:00 a.m. - 7:00 p.m. 3. Police called: _____ Yes _____ No

4. Location of incident (including street address): 2416 Woodward Way

5. Name of your insurance company: _____ Policy No. _____

6. State what and how incident occurred: When preparing to install curbing in front of house a pipe was broken where sprinkler system ties into water service - Plumber has to replace section of water pipe & put in temporary water service overnight

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: _____ (Make) _____ (Year) _____ (Tag Number) _____ (Driver's Name)

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

9. Witness: _____ (Name) _____ (Address) _____ (Telephone Number)

10. The acknowledgment 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.

Lebby R. Neal
Signature of Claimant

Lebby R. Neal
(Print Claimant's Name)
2416 Woodward Way
(Address)
Atlanta Ga. 30305
(City, State and Zip Code)
404 351-7083
(Work Number) (Home Number)

03-R-0645

**MUNICIPAL CLERK
ATLANTA, GEORGIA**

03-R-0645

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