

Entered - 12-31-02 - sb
CL 02L0942 - GWENDOLYN BURNS

CLAIM OF: **SHELDON M. AND BARBARA E. KAY**
2912 Mountain Trace
Roswell, Georgia 30075

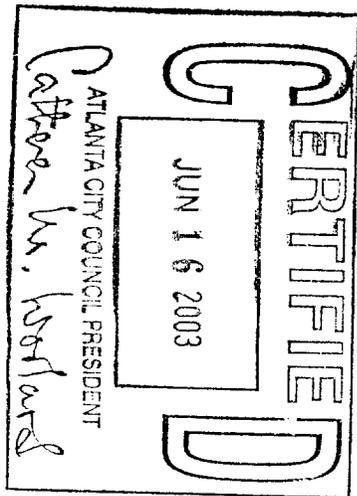
03-R-0855

ADOPTED BY
JUN 16 2003
COUNCIL

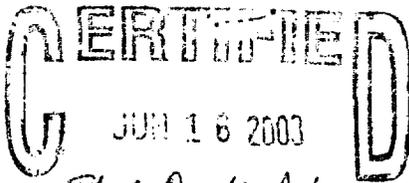
For vehicular damages alleged to have been sustained due to a sanitary construction site that was left open and in an unsafe manner on November 5, 2002 at 77 Peachtree Place, NW.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **SHELDON M. AND BARBARA E. KAY** the sum of **\$1,112.02** 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 due to a sanitary construction site that was left open and in an unsafe manner on November 5, 2002 at 77 Peachtree Place, NW as is more particularly set forth in the within claim; said sum taken from and charged to account **2J01/529017/T31001**, Settlement of Suits and Claims, Department of Law.



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



Rhonda Daughlin Johnson
MUNICIPAL CLERK

BY: 

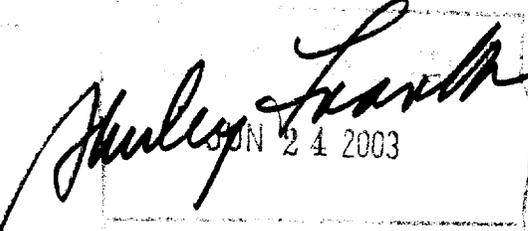
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

FAVORABLE REPORT

**PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE**

DATE: 6/10/03

CHAIR: _____


JUN 24 2003



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

03-R-0855

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 **Sheldon M. and Barbara E. Kay** in the sum of **\$1,112.02** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained **due to a sanitary construction site that was left open and in an unsafe manner on November 5, 2002 at 77 Peachtree Place, NW** as is more particularly set forth in the within claim; said sum taken from and charged to Account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

**ADOPTED by the Council
APPROVED by the Mayor**

JUN 16, 2003
JUN 24, 2003

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0942

Date: May 24, 2003

Claimant /Victim SHELDON & BARBARA E. KAY
BY: (Atty) (Ins. Co.)
Address: 2912 Mountain Trace, Roswell, Georgia 30075
Subrogation: Claim for Property damage \$ 1,112.02 Bodily Injury \$
Date of Notice: 12/24/02 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/05/02 Place: 77 Peachtree Place, NW
Department WATERSHED MANAGEMENT Division Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant's vehicle sustained damage when it was driven over a metal plate that was not properly covering a sanitary sewer construction site which was left open and in an unsafe condition.

INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X
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 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 \$ 1,112.02 Adverse Account charged: 1A01 2J01 X 2P01 2H01
Claims Manager: Concur/date 05-29-03
Committee Action: Council Action

		6/16/03 Full Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-0906	34. 03-R-0855	45. 03-R-0866
2. 03-O-0911	35. 03-R-0856	46. 03-R-0867
3. 03-O-0905	36. 03-R-0857	47. 03-R-0868
4. 03-O-0764	37. 03-R-0858	48. 03-R-0869
5. 03-O-0914	38. 03-R-0859	49. 03-R-0870
6. 03-O-0667	39. 03-R-0860	50. 03-R-0871
7. 03-O-0671	40. 03-R-0861	51. 03-R-0872
8. 03-O-0839	41. 03-R-0862	52. 03-R-0873
9. 03-O-0908	42. 03-R-0863	53. 03-R-0874
10. 03-O-0910	43. 03-R-0864	54. 03-R-0875
11. 03-O-0912	44. 03-R-0865	55. 03-R-0876
12. 03-R-0851		56. 03-R-0877
13. 03-R-0853		57. 03-R-0878
14. 03-R-0854		58. 03-R-0879
15. 03-R-0922		59. 03-R-0880
16. 03-R-0927		60. 03-R-0881
17. 03-R-0928		61. 03-R-0882
18. 03-R-0891		62. 03-R-0883
19. 03-R-0894		63. 03-R-0884
20. 03-R-0921		64. 03-R-0885
21. 03-R-0890		65. 03-R-0886
22. 03-R-0893		66. 03-R-0887
23. 03-R-0895		67. 03-R-0888
24. 03-R-0903		
25. 03-R-0938		
26. 03-R-0848		
27. 03-R-0849		
28. 03-R-0892		
29. 03-R-0918		
30. 03-R-0919		
31. 03-R-0923		
32. 03-R-0924		
33. 03-R-0897		

Consent I Vote: 10Yeas; 0Nays: (See RCS #4836)

Items Removed from the Consent Agenda: 03-O-0913; 03-O-0693; 03-O-0668; 03-O-0669; 03-O-0929