Entered – 04-1-04 - sb
CL 04L0215 - GWENDOLYN BURNS

CLAIM OF: **CHARLOTTE D. CAIN**
4255 Chestnut Lake Avenue
Lithonia, Georgia 30038

04- R -1324

ADOPTED BY
AUG 16 2004
COUNCIL

For vehicular damages alleged to have been sustained when a vehicle spun out of control due to road defects and struck a fixed object on February 20, 2004 at 2091 Cascade Road, SW.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

CERTIFIED
AUG 16 2004
COUNCIL PRESIDENT

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 **CHARLOTTE D. CAIN** the sum of **$721.00** 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 vehicle spun out of control due to road defects and struck a fixed object on February 20, 2004 at 2091 Cascade Road, SW as is more particularly set forth in the within claim; said sum taken from and charged to account **1A01/529017/T31001**.

CERTIFIED
AUG 16 2004
MUNICIPAL CLERK

APPROVED: LINDA K. DISANTIS
CITY ATTORNEY

BY: Jerry L. DeLoach
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

FAVORABLE REPORT
PUBLIC SAFTEY &
LEGAL ADMINISTRATION COMMITTEE
DATE 7/27/04
CHAIR
Vernell Morley
Mary Norwood
Clara Hudson
C. T. Martin

APPROVED
Shirley Franklin
AUG 20 2004
MAYOR

MUNICIPAL CLERK
ATLANTA, GEORGIA

04-R-1324

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 **Charlotte D. Cain** in the sum of **$721.00** settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained **when a vehicle spun out of control due to road defects and struck a fixed object on February 20, 2004,at 2091 Cascade Road, SW** 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,
Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council AUG 16, 2004
APPROVED by the Mayor AUG 20, 2004

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0215 Date: July 15, 2004

Claimant /Victim CHARLOTTE D. CAIN
BY: (Atty) (Ins. Co.)
Address: 4255 Chestnut Lake Avenue, Lithonia, Georgia 30312
Subrogation: _____ Claim for Property damage $ 1,918.29 Bodily injury $ _____
Date of Notice: 3/24/04 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 2/20/04 Place: 2091 Cascade Road, SW
Department PUBLIC WORKS Division Street Operations
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant sustained vehicular damages when her vehicle spun out of control and struck a fixed object as she attempted to break to change lanes. Claimant contends that due to a road-resurfacing project, gravel was left on the street, which caused her vehicle to slide out of control as she attempted to use her breaks. An investigation confirmed that the road was under construction and street defects were present but it also showed that the claimant contributed to the accident by loosing control of her vehicle. Witnesses state that although the street may have contained some small rock debris, the street was in good condition for travel. The claimant has agreed to share liability and accept a compromised settlement.

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 X Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X
City not involved _____ Offer rejected _____ Compromise settlement X
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,

INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay $ 721.00 Adverse _____ Account charged: 1A01 X 2J01 _____ 2P01 _____ 2H01 _____
Claims Manager: _____ Concur/date 07/16/04
Committee Action: _____ Council Action _____

RCS# 5937
8/16/04
2:51 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 1-14 EXCEPT:04-R-1339
04-R-1391
ADOPT

YEAS:	13
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	3
EXCUSED:	0
ABSENT	0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	NV Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT I

		8-16-4 Council Meeting
ITEMS ADOPTED ON CONSENT	**ITEMS ADOPTED ON CONSENT**	**ITEMS ADVERSED ON CONSENT**
1. 04-O-1375	41. 04-R-1317	59. 04-R-1336
2. 04-O-1206	42. 04-R-1400	60. 04-R-1337
3. 04-O-1209	43. 04-R-1320	61. 04-R-1338
4. 04-O-1354	44. 04-R-1321	62. 04-R-1340
5. 04-O-1357	45. 04-R-1322	63. 04-R-1341
6. 04-O-1366	46. 04-R-1323	64. 04-R-1342
7. 04-O-0437	47. 04-R-1324	65. 04-R-1343
8. 04-O-1350	48. 04-R-1325	66. 04-R-1344
9. 04-O-1351	49. 04-R-1326	67. 04-R-1345
10. 04-O-1368	50. 04-R-1327	68. 04-R-1346
11. 04-O-1247	51. 04-R-1328	69. 04-R-1347
12. 04-O-1221	52. 04-R-1329	70. 04-R-1348
13. 04-R-1372	53. 04-R-1330	
14. 04-R-1273	54. 04-R-1331	
15. 04-R-1388	**55.** 04-R-1332	
16. 04-R-1402	56. 04-R-1333	
17. 04-R-1403	57. 04-R-1334	
18. 04-R-1404	58. 04-R-1335	
19. 04-R-1304		
20. 04-R-1392		
21. 04-R-1393		
22. 04-R-1394		
23. 04-R-1395		
24. 04-R-1396		
25. 04-R-1397		
26. 04-R-1398		
27. 04-R-1355		
28. 04-R-1356		
29. 04-R-1373		
30. 04-R-1308		
31. 04-R-1309		
32. 04-R-1310		
33. 04-R-1311		
34. 04-R-1349		
35. 04-R-1367		
36. 04-R-1370		
37. 04-R-1312		
38. 04-R-1313		
39. 04-R-1315		
40. 04-R-1316		