

Entered - 5-20-04 sb
CL 04L0325 - GWENDOLYN BURNS

CLAIM OF: **MARC GOLDBERG**
4246 Millside Walk
Smyrna, Georgia 30080

04-R -1327

For vehicular damages allegedly sustained from driving over a construction site that was left in an unsafe manner on April 29, 2004 at West Paces Ferry Road & Northside Drive.

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 **MARC GOLDBERG** the sum of **\$2,420.48** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages allegedly sustained from driving over a construction site that was left in an unsafe manner on April 29, 2004 at West Paces Ferry Road & Northside Drive as is more particularly set forth in the within claim; said sum taken from and charged to account **2J01/529017/Q30001**.

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

BY: *Jerry L. DeLoach*
JERRY L. DELOACH
DEPUTY CHY ATTORNEY

FAVORABLE REPORT

**PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE**

DATE: 7/27/04

CHAIR: _____

Walter Masley

Walter Masley

Chris Houston

Chris Houston

COUNCIL PRESIDENT
RECEIVED
AUG 16 2004

Renee L. Davidson
MUNICIPAL CLERK
RECEIVED
AUG 16 2004

ADOPTED BY
AUG 16 2004
COUNCIL

APPROVED
Shirley Frank
AUG 20 2004



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

04-R-1327

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 **Marc Goldberg** in the sum of **\$2, 420.48** 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 driving over a construction site that was left in an unsafe manner on April 29, 2004 at West Paces Ferry Road and Northside Drive**, as is more particularly set forth in the within claim; said sum taken from and charged to Account 2J01/529017/Q30001, Settlement of Suits and Claims, Department of Law.

A true copy,

Rhonda Daughtrick Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

AUG 16, 2004
AUG 20, 2004

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0325

Date: July 13, 2004

Claimant /Victim MARC GOLDBERG
BY: (Atty) (Ins. Co.)
Address: 4246 Millside Walk, Smyrna, Georgia 30080
Subrogation: Claim for Property damage \$ 2,420.48 Bodily Injury \$
Date of Notice: 5/11/04 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 4/29/04 Place: West Paces Ferry Road, NE & Northside Drive, NE
Department WATERSHED MANAGEMENT Bureau: Drinking Water
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant sustained vehicular damage when he drove over a construction site that was left open and in an unsafe condition.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
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
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 Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 2,420.48 Adverse Account charged: 1A01 2J01 X 2P01 2H01
Claims Manager: Concur/date 07/13/04
Committee Action: Council Action

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		