

Entered - 05-6-03 - sb
CL 03L0342 - GWENDOLYN BURNS

CLAIM OF: **ALAN JOEL**
60 Muscogee Avenue, NE
Atlanta, Georgia 30305

04- R -1335

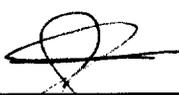
ADOPTED BY
AUG 1 6 2004
COUNCIL

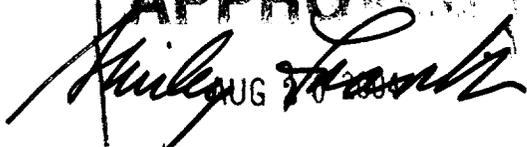
For property damages alleged to have been sustained when landscaping was improperly restored during the rehabilitation of a sanitary sewer line from September 2003 through February 2004 at 60 Muscogee Avenue, NE.

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 **ALAN JOEL** the sum of **\$637.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for property damages alleged to have been sustained when landscaping was improperly restored during the rehabilitation of a sanitary sewer line from September 2003 through February 2004 at 60 Muscogee Avenue, NE 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
DEPUTY CITY ATTORNEY

APPROVED

AUG 10 2004
MAYOR

WARRANTABLE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 7/27/04

CHAIR: _____






C. T. Martin

CERTIFIED
AUG 1 6 2004
COUNCIL PRESIDENT

CERTIFIED
AUG 1 6 2004
MUNICIPAL CLERK



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

04-R-1335

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 **Alan Joel** in the sum of **\$637.00** settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained **when landscaping was improperly restored during the rehabilitation of a sanitary sewer line from September, 2003 through February 2004 at 60 Muscogee Avenue, NE**, 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 Daughtry 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. 03L0342

Date: July 12, 2004

Claimant /Victim ALAN JOEL
BY: (Atty) (Ins. Co.)
Address: 60 Muscogee Avenue, Atlanta, Georgia 30305
Subrogation: Claim for Property damage \$ 4,500.00 Bodily Injury \$
Date of Notice: 4/18/03 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 9/03 - 2/04 Place: 60 Muscogee Avenue, NE
Department PUBLIC WORKS Bureau: Street Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant sustained damages when plants, trees, and property were destroyed during a sanitary sewer rehabilitation project. An investigation determined that the vegetation was incompletely restored and the property was never replaced. Further inquiry revealed that although a contractor performed the construction work and restoration, the City failed to approve funding necessary to complete the project.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures X Diagrams Reports: Police Dept Report X Other X
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
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,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 637.00 Adverse Account charged: 1A01 2J01 X 2P01 2H01
Claims Manager: Concur/date 07/21/04
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		