

Entered - 4-28-04 sb  
CL 04L0283 GWENDOLYN BURNS

CLAIM OF: **KENNETH E. JOHNSON**  
1848 Fairburn Road, SW  
Atlanta, Georgia 30331

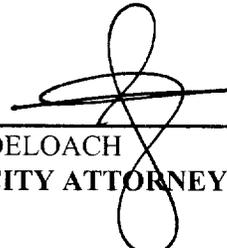
04-R-1775

For vehicular damages alleged to have been sustained when an automobile was struck by a gate as it attempted to exit a park on March 6, 2004 at 3895 Melvin Drive, SW.

**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 **KENNETH E. JOHNSON** the sum of **\$1,041.26** as 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 an automobile was struck by a gate as it attempted to exit a park on March 6, 2004 at 3895 Melvin Drive, SW as is more particularly set forth in the within claim; said sum taken from and charged to account **1A01/529017/T31001**.

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

BY:   
\_\_\_\_\_  
**JERRY L. DELOACH**  
DEPUTY CITY ATTORNEY

**FAVORABLE REPORT**

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 10/14/04

CHAIR: [Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

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**APPROVED**  
[Signature]  
OCT 28 2004  
**MAYOR**

**ADOPTED BY**  
OCT 18 2004  
**COUNCIL**

**CERTIFIED**  
OCT 18 2004  
ATLANTA CITY COUNCIL PRESIDENT  
[Signature]

**CERTIFIED**  
OCT 18 2004  
MUNICIPAL CLERK  
[Signature]



**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

04-R-1775

**A RESOLUTION**

**BY: PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE**

**BE IT RESOLVED** y the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **KENNETH E. JOHNSON** the sum of **\$1,041.26** as 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 an automobile was struck by a gate as it attempted to exit a park on March 6, 2004 at 3895 Melvin Drive, SW as is more particularly set forth in the within claim; said sum taken from and charged to account **1A01/529017/T31001**.

A true copy,

*Reanda Daughin Johnson*  
Municipal Clerk, CMC

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

October 18, 2004  
October 20, 2004

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0283

Date: September 27, 2004

Claimant /Victim KENNETH E. JOHNSON
BY: (Atty) (Ins. Co.)
Address: 1848 Fairburn Road, SW, Atlanta, Georgia 30331
Subrogation: Claim for Property damage \$ 1,041.26 Bodily Injury \$
Date of Notice: 4/27/04 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 3/6/04 Place: 3895 Melvin Drive, SW
Department PARKS, RECREATION & CULTURAL AFFAIRS Division: Parks
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant sustained damage when his vehicle was struck by the entrance/exit gate to Melvin Drive Park. An investigation determined that the gate was propped open by a brick because it did not have the proper equipment attached to it to keep it safely and securely open. Moreover, the City was on notice of this problem but failed to correct it.

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
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 \$ 1,041.26 Adverse Account charged: 1A01 X 2J01 2P01 2H01
Claims Manager: Concur/date 09/28/04
Committee Action: Council Action

RCS# 6139  
10/18/04  
2:33 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 6-18, EXCEPT:04-O-1369  
04-R-1764 04-R-1765  
ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 1

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

CONSENT I

		10-04-04 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1570	38. 04-R-1772	48. 04-R-1783
2. 04-O-1586	39. 04-R-1773	49. 04-R-1784
3. 04-O-1667	40. 04-R-1774	50. 04-R-1785
4. 04-O-1669	41. 04-R-1775	51. 04-R-1786
5. 04-O-1670	42. 04-R-1776	52. 04-R-1787
6. 04-O-1671	43. 04-R-1777	53. 04-R-1788
7. 04-O-1672	44. 04-R-1778	54. 04-R-1789
8. 04-O-1658	45. 04-R-1779	55. 04-R-1790
9. 04-O-1807	46. 04-R-1780	56. 04-R-1791
10. 04-O-1810	47. 04-R-1781	57. 04-R-1792
11. 04-O-1813		58. 04-R-1793
12. 04-O-1817		59. 04-R-1794
13. 04-O-1850		
14. 04-O-1651		
15. 04-O-1654		
16. 04-O-1808		
17. 04-R-1472		
18. 04-R-1751		
19. 04-R-1798		
20. 04-R-1485		
21. 04-R-1759		
22. 04-R-1760		
23. 04-R-1761		
24. 04-R-1797		
25. 04-R-1824		
26. 04-R-1825		
27. 04-R-1762		
28. 04-R-1754		
29. 04-R-1755		
30. 04-R-1756		
31. 04-R-1757		
32. 04-R-1827		
33. 04-R-1799		
34. 04-R-1768		
35. 04-R-1769		
36. 04-R-1770		
37. 04-R-1771		