

Entered - 2-17-04 - sb
CL 04L0090 - GWENDOLYN BURNS

CLAIM OF: **TERRY REESE**
10053 Tara Glynn Drive
Hampton, Georgia 30228

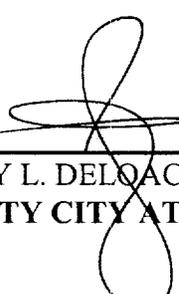
04-R-0828

For vehicular damages alleged to have been sustained from the falling ice that accumulated on the wires of the radio tower due to a winter storm on February 3, 2004 at 315 Chester Avenue, SE.

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 **TERRY REESE** the sum of **\$2,164.93** 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 from the falling ice that accumulated on the wires of the radio tower due to a winter storm on February 3, 2004 at 315 Chester Avenue, SE as is more particularly set forth in the within claim; said sum taken from and charged to account 2P01/529017/T31001.

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

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

FAVORABLE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 5/11/04

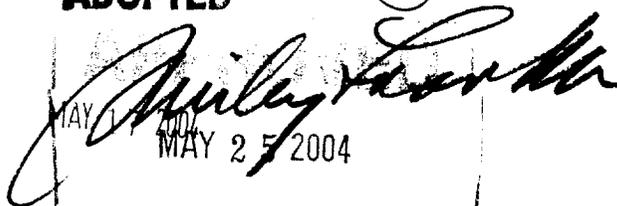
CHAIR: H. L. Smith

C. T. Martin

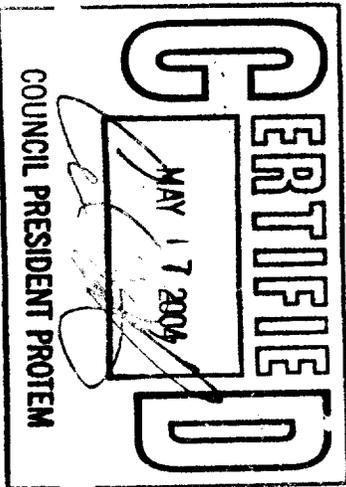
Wend Smith

Carla Smith

ADOPTED


MAY 11 2004
MAY 25 2004

MAYOR





**MUNICIPAL CLERK
ATLANTA, GEORGIA**

04-R-0828

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 **Terry Reese** in the sum of **\$2,164.93** settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained from the falling ice that accumulated on the wires of the radio tower due to a winter storm on February 3, 2004 at 315 Chester Avenue, SE as set forth in the within claim; said sum taken from and charged to Account 2P01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

MAY 17, 2004
MAY 25, 2004

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0127

Date: April 27, 2004

Claimant /Victim TERRY REESE
BY: (Atty) (Ins. Co.)
Address: 10053 Tara Glynn Drive, Hampton, Georgia 30228
Subrogation: Claim for Property damage \$ 2,419.55 Bodily Injury \$
Date of Notice: 2/13/04 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 2/3/04 Place: 315 Chester Avenue, SE
Department PUBLIC WORKS Division Solid Waste Services
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant's vehicle sustained damage from falling ice while parked at the Chester Avenue Substation. An investigation determined that during a winter storm, ice accumulated on the radio tower and wires located above the substation. When the ice started to melt it began to fall to the ground during the morning hours of operation. The City made several attempts to move all vehicles out of the radius of the tower to prevent property damage from occurring. However, the tower's radius was much larger than calculated and the ice continued to fall causing damage to private and city vehicles. The City was on notice of said hazard but failed to successfully abate the nuisance.

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 Ministerial X
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,

Gwendolyn Burns
INVESTIGATOR GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 2,164.93 Adverse Account charged: 1A01 2J01 2P01 X 2H01
Claims Manager: Concur/date 04/29/04
Committee Action: Council Action

RCS# 5712
5/17/04
2:10 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 1-13 EXCEPT:04-R-0876
04-R-0911 04-R-0835 04-R-0882
ADOPT

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

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

CONSENT I

3-01-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT
1. 04-O-0858	41. 04-R-0813
2. 04-O-0869	42. 04-R-0865
3. 04-O-0372	43. 04-R-0824
4. 04-O-0373	44. 04-R-0825
5. 04-O-0641	45. 04-R-0826
6. 04-O-0642	46. 04-R-0827
7. 04-O-0646	47. 04-R-0828
8. 04-O-0648	ITEMS ADVERSED
9. 04-O-0650	ON CONSENT
10. 04-O-0652	48. 04-R-0829
11. 04-O-0653	49. 04-R-0830
12. 04-O-0656	50. 04-R-0831
13. 04-O-0657	51. 04-R-0832
14. 04-O-0874	52. 04-R-0833
15. 04-O-0488	53. 04-R-0834
16. 04-O-0700	54. 04-R-0836
17. 04-O-0872	55. 04-R-0837
18. 04-O-0660	56. 04-R-0838
19. 04-O-0661	57. 04-R-0839
20. 04-O-0873	58. 04-R-0840
21. 03-R-2228	59. 04-R-0841
22. 04-R-0805	60. 04-R-0842
23. 04-R-0806	61. 04-R-0843
24. 04-R-0808	62. 04-R-0844
25. 04-R-0809	63. 04-R-0845
26. 04-R-0822	64. 04-R-0846
27. 04-R-0859	
28. 04-R-0882	
29. 04-R-0889	
30. 04-R-0369	
31. 04-R-0870	
32. 04-R-0876	
33. 04-R-0815	
34. 04-R-0847	
35. 04-R-0862	
36. 04-R-0863	
37. 04-R-0821	
38. 04-R-0807	
39. 04-R-0811	
40. 04-R-0812	