

04- R-1679

Entered - 02/25/04 - sb  
CL - 04L0169 - LISA CARTER

CLAIM OF: PAUL BINIASZ  
5100 Civitania Road  
Mableton, Georgia 30126

For damages alleged to have been sustained as a result of damage to a gate struck by a city vehicle on November 25, 2003 at 815 Donald Lee Hollowell Parkway.

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 PAUL BINIASZ the sum of \$800.00 in full 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 damage to a gate struck by a city vehicle on November 25, 2003 at 815 Donald Lee Hollowell Parkway 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: 9/28/04

CHAIR: [Signature]

Chloe Fineston

Mark Norwood

[Signature]

Gene M. Sheperd

**APPROVED**  
[Signature]  
8-2004  
MAYOR

**CERTIFIED**  
OCT 04 2004  
ATLANTA CITY COUNCIL PRESENT  
[Signature]

**CERTIFIED**  
OCT 04 2004  
[Signature]  
MUNICIPAL CLERK

**ADOPTED BY**  
OCT 04 2004  
**COUNCIL**



**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**04-R-1679**

**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 **Paul Biniasz** in the sum of **\$800.00** settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained **as result of damage to a gate struck by a city vehicle on November 25, 2003 at 815 Donald Lee Hollowell Parkway**, as is more particularly 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 Daughlin Johnson*  
Municipal Clerk, CMC

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

October 4, 2004  
October 8, 2004

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0169

Date: September 14, 2004

Claimant /Victim PAUL BINIASZ

BY: (Atty) (Ins. Co.) \_\_\_\_\_

Address: 815 Donald Lee Hollowell Parkway #4 Atlanta, Georgia 30318

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 850.00 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 02/25/04 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 11/25/03 Place: 815 Donald Lee Hollowell Parkway

Department Public Works Bureau: Solid Waste Services Division: \_\_\_\_\_

Employee involved William Cooper Disciplinary Action: Pending

NATURE OF CLAIM: The driver of the city vehicle struck the claimant's gate causing damages in the above amount.

INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures X 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 X

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,



INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ 800.00 Adverse \_\_\_\_\_ Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2P01 X

Claims Manager: [Signature] Concur/date 09/15/04

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_



10-04-04 Council Meeting		
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1418	38. 04-R-1683	60. 04-R-1705
2. 04-O-1441	39. 04-R-1684	61. 04-R-1706
3. 04-O-1565	40. 04-R-1685	62. 04-R-1707
4. 04-O-1567	41. 04-R-1686	63. 04-R-1708
5. 04-O-0438	42. 04-R-1687	64. 04-R-1709
6. 04-O-1507	43. 04-R-1688	65. 04-R-1710
7. 04-O-1559	44. 04-R-1689	66. 04-R-1711
8. 04-O-1572	45. 04-R-1690	67. 04-R-1712
9. 04-O-1582	46. 04-R-1691	68. 04-R-1713
10. 04-O-1728	47. 04-R-1692	69. 04-R-1714
11. 04-O-1732	48. 04-R-1693	70. 04-R-1715
12. 04-R-1655	49. 04-R-1694	71. 04-R-1716
13. 04-R-1421	50. 04-R-1695	72. 04-R-1717
14. 04-R-1668	51. 04-R-1696	
15. 04-R-1719	52. 04-R-1697	
16. 04-R-1487	53. 04-R-1698	
17. 04-R-1624	54. 04-R-1699	
18. 04-R-1673	55. 04-R-1700	
19. 04-R-1674	56. 04-R-1701	
20. 04-R-1675	57. 04-R-1702	
21. 04-R-1491	58. 04-R-1703	
22. 04-R-1659	59. 04-R-1704	
23. 04-R-1660		
24. 04-R-1661		
25. 04-R-1662		
26. 04-R-1663		
27. 04-R-1664		
28. 04-R-1665		
29. 04-R-1613		
30. 04-R-1676		
31. 04-R-1677		
32. 04-R-1678		
33. 04-R-1679		
34. 04-R-1680		
35. 04-R-1681		
36. 04-R-1682		
37. 04-R-1718		