

Entered - 08-22-03 - sb
CL 03L0686 - GWENDOLYN BURNS

CLAIM OF: **MELINDA LAND**
1017 Westview Drive
Atlanta, Georgia 30310

04-R -0666

For bodily injuries alleged to have been sustained from stepping into a water meter that was open and in an unsafe condition on June 30, 2003 at 1566 Donald Lee Hollowell Parkway, NW.

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 **MELINDA LAND** the sum of **\$1,709.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for bodily injuries alleged to have been sustained from stepping into a water meter that was open and in an unsafe condition on June 30, 2003 at 1566 Donald Lee Hollowell Parkway, NW is more particularly set forth in the within claim; said sum taken from and charged to account **2J01/529017/T31001**.

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

FAVORABLE REPORT

COMM: P.S.L.A.

DATE: 4/27/04

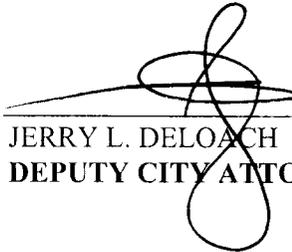
CHAIR: ick C. Mack

High Smith

Raymond Wood

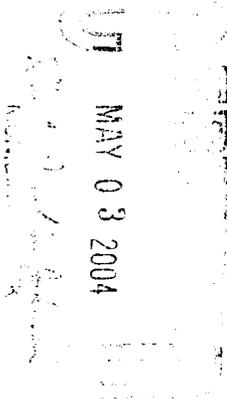
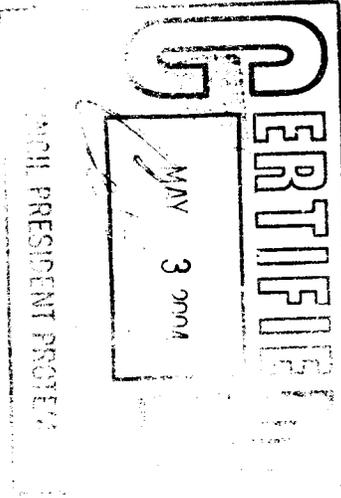
Carla Smith

Clara Henderson

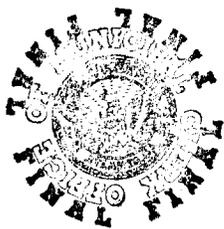
BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

APPROVED

MAY 11 2004
MAYOR



ADOPTED BY
MAY 3 2004
COUNCIL



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

04-R-0666

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 **Melinda Land** in the sum of **\$1,709.00** settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained from stepping into a water meter that was open and in an unsafe condition on June 30, 2003 at 1566 Donald Lee Hollowell Parkway, NW as set forth in the within claim; said sum taken from and charged to Account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

Rhonda Daughkin Johnson
Municipal Clerk, CMC

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

May 3, 2004
May 11, 2004

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0686

Date: April 15, 2004

Claimant /Victim MELINDA LAND
BY: (Atty) (Ins. Co.)
Address: 1017 Westview Drive, Atlanta, Georgia 30310
Subrogation: Claim for Property damage \$ Bodily Injury \$ 101,000.00
Date of Notice: 8/15/03 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)
Date of Occurrence 6/30/03 Place: 1566 Donald Lee Hollowell Parkway, NW
Department WATERSHED MANAGEMENT Bureau: Drinking Water
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that she sustained bodily injuries when she stepped into an a water meter that was left open and in an unsafe condition. An investigation determined that the City was not on notice of a problem with the meter but failed resolve it prior to the date of claimant's incident.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral X
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
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 \$ 1,709.00 Adverse Account charged: 1A01 2PO1 2J01 X 2H01
Claims Manager: Concur/date 04/16/04
Committee Action: Council Action

COUNCIL OF THE CITY OF ATLANTA
CLERK OF COUNCIL
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

WATER
Burns
08/12/03

RECEIVED

Today's Date: Aug 14-03

AUG 15 2003

MUNICIPAL CLERK

ENTERED - 8-22-03 - SB
03L0686 - GWEN BURNS

Dear Clerk of Council:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ _____ property and/or \$200,000 bodily injury for which I contend the City is liable.

1. Date of incident: 06-30-03 (month/day/year) 2. Police called: Yes abumlace

3. Location of incident: 1566 Oakhead way

4. Name of your insurance company: atena Policy No. _____

5. State what and how incident occurred: on one eye about 6:30 pm
raining, sidewalk had lots of water, I'm
walking along and my odd leg went down in
manhole and put a hole in my leg.

6. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

7. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: _____
(make) (year) (tag number) (driver's name)

City vehicle: _____
(make) (City driver's name) (department/bureau)

8. Witness: _____
(name) (address) (telephone number)

9. The acknowledgement of this claim in no way waives the Governmental immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

10. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Melinda Land
(claimant's name)

1017 Westview Drive
(address)

Atlanta, Ga 30310
(city and state)

Home 678-768-9497
(work number) (home number)

04-R-0666

340-7227 Home 4104 794-4109 (cont)

**MUNICIPAL CLERK
ATLANTA, GEORGIA**

04-R-0666

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LEGAL ADMINISTRATION COMMITTEE**

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