

Entered - 02/03/05 - sb
CL - 05L0086 - LISA CARTER

05-K-0420

CLAIM OF: JOHN RECORD
1250 Creekside Terrace
Smyrna, Georgia 30002

For damages alleged to have been sustained as a result of striking an open construction cut on November 27, 2004 at 1261 West Paces Ferry.

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 **JOHN RECORD** the sum of **\$2,417.29** 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 as a result of striking an open construction cut on November 27, 2004 at 1261 West Paces Ferry 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

FAVORABLE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 3/15/05

CHAIR: Clara Henderson

[Signature]

[Signature]

[Signature]

[Signature]



ATLANTA CITY COUNCIL
MAR 21 2005


ATLANTA CITY COUNCIL
MAR 21 2005


ADOPTED BY
MAR 21 2005
COUNCIL

**MUNICIPAL CLERK
ATLANTA, GEORGIA**

05-R-0420

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 **John Record** in the sum of **\$2,417.29** 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 striking an open construction cut on November 27, 2004 at 1261 West Paces Ferry** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1

2J01/529017/Q30001, Settlement of Suits and Claims, Department of Law.

A true copy,


Municipal Clerk

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

**March 21, 2005
March 25, 2005**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 05L0086

Date: March 1, 2005

Claimant /Victim JOHN RECORD

BY: (Atty) (Ins. Co.) _____

Address: 1250 Creekside Terrace Smyrna, Georgia 30002

Subrogation: _____ Claim for Property damage \$ 2,900.33 Bodily Injury \$ _____

Date of Notice: 01/21/04 Method: Written, proper X Improper _____

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

Date of Occurrence 11/27/04 Place: 1261 West Paces Ferry Road

Department Watershed Management Bureau: Drinking Water Division: _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant sustained vehicular damages as a result of striking an open construction cut at 1261 West Paces Ferry Road. The investigation determined that the Bureau of Drinking Water had been working at this location and failed to properly secure its construction cut.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others X 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 X

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

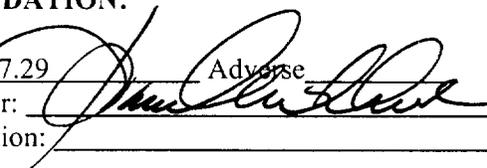
Respectfully submitted,



INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ 2,417.29 Adverse _____ Account charged: 1A01 _____ 2J01 X 2P01 _____

Claims Manager:  _____ Concur/date 03/03/05

Committee Action: _____ Council Action _____

RCS# 6559
3/21/05
2:26 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG 4-16 EXCEPT
05-R-0499 04-O-2111
ADOPT

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

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

CONSENT I