

05-R -0421

Entered - 02/23/05 - sb
CL - 05L0142 - LISA CARTER

CLAIM OF: PHOENIX LOSS CONTROL & RECOVERY,
as subrogee of Comcast
P.O. 27087
Denver, Colorado 80227

For damages alleged to have been sustained as a result of striking the cable during a sanitation pick up on January 7, 2005 at 405 Fairburn Road.

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 **PHOENIX LOSS CONTROL & RECOVERY, as subrogee of Comcast** the sum of **\$534.11** 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 striking the cable on January 7, 2005 at 405 Fairburn Road 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: 3/15/05
CHAIR: Cala Smutz

Henry Abwood

W.D. Supt
Cala Smutz

Handwritten signature: Paula Franklin

MAR 21 2005
CITY OF ATLANTA
LEGAL ADMINISTRATION COMMITTEE

MAR 21 2005
CITY OF ATLANTA
LEGAL ADMINISTRATION COMMITTEE

ADOPTED BY
MAR 21 2005
COUNCIL

**MUNICIPAL CLERK
ATLANTA, GEORGIA**

05-R-0421

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 **Phoenix Loss Control & Recovery as subrogee of Comcast** in the sum of **\$534.11** 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 the cable during a sanitation pickup on January 7, 2005 at 405 Fairburn Road** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1 2P01/529017/T31001, 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. 05L0142

Date: March 1, 2005

Claimant /Victim PHOENIX LOSS CONTROL & RECOVERY as subrogee of Comcast

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

Address: P.O. Box 27087 Denver, Colorado 80227

Subrogation: Claim for Property damage \$ 534.11 Bodily Injury \$ _____

Date of Notice: 02/18/05 Method: Written, proper Improper _____

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

Date of Occurrence 01/07/05 Place: 405 Fairburn Road

Department Public Works Bureau: Solid Waste Services Division: _____

Employee involved William C. Cooper Disciplinary Action: 10 Day Suspension

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

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures Diagrams _____ Reports: Police Dept Report Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial

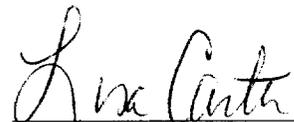
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable

City not involved _____ Offer rejected _____ Compromise settlement _____

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

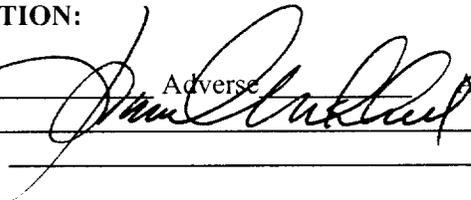
Claimant Negligent _____ City Negligent Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ 534.11 Adverse Account charged: 1A01 _____ 2J01 _____ 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