

Entered - 12-9-04 sb
CL 04L0847 - GWENDOLYN BURNS

05-R -0921

CLAIM OF: WINIFRED SMITH MARTIN
2112 Kipling Circle, SE
Atlanta, Georgia 30315

ADOPTED BY
JUN 06 2005
COUNCIL

For vehicular damages allegedly sustained from driving over a sanitary sewer manhole that was improperly raised by the City on November 19, 2004 at Ruby L. Harper Boulevard, SE and Simon Street, 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 WINIFRED SMITH MARTIN the sum of \$1,137.28 in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages allegedly sustained from driving over a sanitary sewer manhole that was improperly raised by the City on November 19, 2004 at Ruby L. Harper Boulevard, SE and Simon Street, SE 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

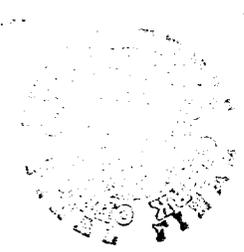
DATE: 5/31/05
CHAIR: *Celia Jensen*

[Signature]
James M. Shepard
Celia Jensen
Hart Shub

[Signature]
JUN 14 2005

RECEIVED
JUN 06 2005
MUNICIPAL CLERK

CERTIFIED
JUN 06 2005
Municipal Clerk



MUNICIPAL CLERK
ATLANTA, GEORGIA

05-R-0921

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 **Winifred Smith Martin** in the sum of **\$1,137.28** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained **from driving over a sanitary sewer manhole that was improperly raised by the City on November 19, 2004 at Ruby L. Harper Boulevard, SE and Simon Street, SE** as is more particularly set forth in the within claim; said sum taken from and charged to Account 2J01/529017/Q30001, Settlement of Suits and Claims, Department of Law.

A true copy,


Municipal Clerk, CMG

ADOPTED by the Council
APPROVED by the Mayor

June 6, 2005
June 14, 2005

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0847

Date: May 17, 2005

Claimant /Victim WINIFRED SMITH MARTIN
BY: (Atty) (Ins. Co.)
Address: 2112 Kipling Circle, SE, Atlanta, Georgia 30315
Subrogation: Claim for Property damage \$ 1,137.28 Bodily Injury \$
Date of Notice: 12/7/04 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/19/04 Place: Ruby L. Harper Boulevard & Simon Street, SE
Department WATERSHED MANAGEMENT Bureau: Wastewater Treatment and Collections
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant sustained vehicular damages when she drove over a manhole that was improperly raised by the City. An investigation determined that the manhole had existed in this unsafe condition for some time.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures 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 X Ministerial
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,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ \$1,137.28 Adverse Account charged: 1A01 2J01 X 2P01 2H01
Claims Manager: Concur/date 05/19/2005
Committee Action: Council Action

RCS# 6714
6/06/05
2:56 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 3-18 EXCEPT:05-O-0893
05-R-1006 05-R-1001
ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

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

CONSENT I

			06-06-05 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 05-O-0891	31. 05-R-0963	49. 05-R-0794	80. 05-R-0947
2. 05-O-0890	32. 05-R-0964	50. 05-R-0796	81. 05-R-0948
3. 05-O-0894	33. 05-R-0966	51. 05-R-0797	82. 05-R-0949
4. 05-O-0668	34. 05-R-0967	52. 05-R-0798	83. 05-R-0950
5. 05-O-0667	35. 05-R-0918	53. 05-R-0802	84. 05-R-0951
6. 05-O-0899	36. 05-R-0919	54. 05-R-0803	85. 05-R-0952
7. 05-O-0816	37. 05-R-0920	55. 05-R-0804	86. 05-R-0953
8. 05-O-0817	38. 05-R-0921	56. 05-R-0808	87. 05-R-0958
9. 05-R-0983	39. 05-R-0922	57. 05-R-0809	
10. 05-R-0984	40. 05-R-0923	58. 05-R-0811	
11. 05-R-0985	41. 05-R-0924	59. 05-R-0813	
12. 05-R-0986	42. 05-R-0925	60. 05-R-0815	
13. 05-R-0987	43. 05-R-0926	61. 05-R-0928	
14. 05-R-0959	44. 05-R-0927	62. 05-R-0929	
15. 05-R-0994	45. 05-R-0954	63. 05-R-0930	
16. 05-R-0995	46. 05-R-0955	64. 05-R-0931	
17. 05-R-0996	47. 05-R-0956	65. 05-R-0932	
18. 05-R-0997	48. 05-R-0957	66. 05-R-0933	
19. 05-R-0998		67. 05-R-0934	
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22. 05-R-0975		70. 05-R-0937	
23. 05-R-0973		71. 05-R-0938	
24. 05-R-0898		72. 05-R-0939	
25. 05-R-0977		73. 05-R-0940	
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27. 05-R-0979		75. 05-R-0942	
28. 05-R-0980		76. 05-R-0943	
29. 05-R-1000		77. 05-R-0944	
30. 05-R-0962		78. 05-R-0945	
		79. 05-R-0946	