

Entered - 10/9/09 - sb
CL - 09L0771 - ANGELENA KELLY

CLAIM OF: Leonard Rubin
2796 Farmstead Road
Smyrna, GA 30080

For vehicle damages alleged to have been sustained as a result of a recessed catch basin on September 18, 2009 at 90 West Wieuca 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 **Leonard Rubin** the sum of **\$512.65** 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 a recessed catch basin on September 18, 2009 at 90 West Wieuca Road as is more particularly set forth in the within claim; said sum taken from and charged to account **1001.200101.5212005.1512000**.

APPROVED: **ROGER BHANDARI**
ACTING CITY ATTORNEY

APPROVED
JAN 20 2010
[Signature]
MAYOR

BY: *[Signature]*
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

FAVORABLE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE 1/12/10

CHAIR: *[Signature]*

[Signature]

[Signature]

[Signature]

JAN 19 2010

CERTIFIED
JAN 19 2010
[Signature]
MUNICIPAL CLERK

ADOPTED BY
JAN 19 2010
COUNCIL



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

10-R-0077

A RESOLUTION

**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 **Leonard Rubin** the sum of **\$512.65** as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character, for property damages alleged to have been from a recessed catch basin on **September 18, 2009** at **90 West Wieuca Road** as is more particularly set forth in the within claim; said sum taken from and charged to Account **1001/200101/5212005/1512000**.

A true copy,

Deputy Clerk

The signature of the Deputy Clerk is written in black ink over the text 'Deputy Clerk'. The signature is stylized and appears to be 'R. G. Reed'.

ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed

JAN 19, 2010
JAN 25, 2010

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 09L0771

Date: December 16, 2009

Claimant /Victim: Leonard Rubin
BY:(Atty)(Ins. Co.) _____
Address: 2796 Farmstead Road, Smyrna, GA 30080
Subrogation: _____ Claim for Property damage \$ 974.49 Bodily Injury \$ _____
Date of Notice: 9/29/09 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence: 9/18/09 Place: 90 West Wieuca Road
Department: Watershed Management Bureau: Waste Water Treatment and Collections Office: _____
Employee involved: _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that his vehicle was damaged due to a recessed catch basin. The investigation determined that although the City had no actual notice of any problems, the condition of the catch basin indicates the condition had existed for a length of time that notice of same is implied.

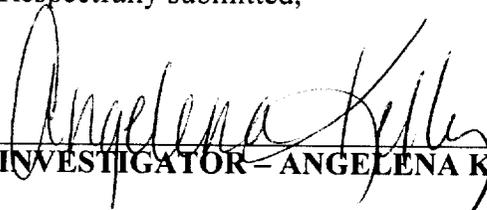
INVESTIGATION:

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 _____

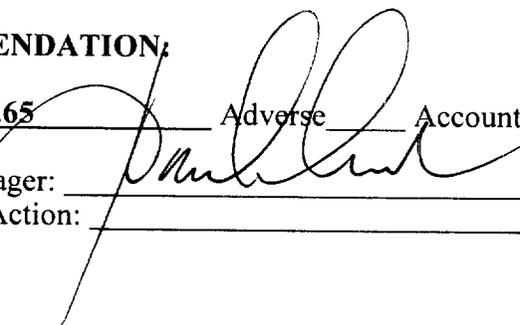
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
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 - ANGELENA KELLY

RECOMMENDATION:

Pay \$ 512.65 Adverse _____ Account charged: General Fund X Water & Sewer _____ Aviation _____
Claims Manager:  Concur/date 12/21/09
Committee Action: _____ Council Action _____

REC OFF MUNICIPAL

10- R -0077

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30303

2005 SEP 25

RE: CLAIM FOR DAMAGES

Today's Date: 9/24/09

ENTERED - 10-9-09 - SB
09L0771 - A. KELLY

Kelly
10/28/09
[Signature]

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 974.⁴⁹/₁₀₀ property and/or \$ N/A bodily injury for which I contend the City is liable.

1. Date of incident: 9/18/09 2. Time of incident: N/A 5:30 PM 3. Police called: N/A

4. Location of incident (including street address): NEAR 90 W. WIDEUCA RD

5. Name of your insurance company: _____ Policy No. _____

6. State what and how incident occurred:

SEWER COVERTS ARE SURKEN UNSAFE.

7. 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!

8. 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.

Your vehicle: LEBARON '90 BDLJR
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: _____

10. The acknowledgement of this claim in no way waives the Sovereign 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).

11. Claims must be received within 6 months from the date of the event.

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

Signature of Claimant

LEONARD J. RUBIN
(Print Claimant's Name)

2796 FARMSTEAD RD
(Address)

SMYRNA, GA. 30080
(City, State and Zip Code)

4/303-9255 OR 550-0000
(Work Number) (Home Number)

OFF 173 W. WIDEUCA RD
ATLANTA, GA. 30342

body 10/25

RCS# 17
1/19/10
1:54 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

10-R-0145

ADOPT EXCEPT

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

Y Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
B Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I