



**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**10-R-0083**

**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 **Mark Dowdy through her attorney George W. Brinson** the sum of **\$3,500.00** 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 trip and fall on an unsecured water meter lid on April 20, 2009 on Oakview Road** as is more particularly set forth in the within claim; said sum taken from and charged to Account **5051/170201/5750002/4310000**.

A true copy,  
  
Deputy Clerk

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. 09L0491

Date: November 24, 2009

Claimant /Victim MARK DOWDY  
BY:(Atty)(Ins.Co.) George W. Brinson  
Address: 315 West Ponce de Leon Avenue Suite 400 Decatur, Georgia 30030  
Subrogation:            Claim for Property damage \$            Bodily Injury \$ 5,000.00  
Date of Notice: 07/07/09 Method: Written, proper X Improper             
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 04/20/09 Place: Oakview Road  
Department Watershed Management Bureau: Drinking Water Office:             
Employee involved            Disciplinary Action:           

NATURE OF CLAIM: The claimant alleges that he sustained injuries as a result of a trip and fall incident on an unsecured water lid on Oakview Road. An investigation determined that although a search of city records shows that the city did not have actual notice of a problem, the defect appears to have existed for such a length of time that the city should have known and corrected it.

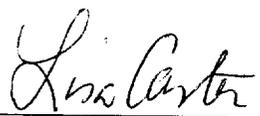
INVESTIGATION:

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           

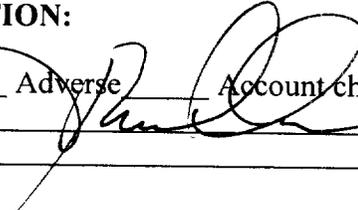
BASIS OF RECOMMENDATION:

Function: Governmental            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 \$ 3,500.00 Adverse            Account charged: General Fund            Water & Sewer X Aviation             
Claims Manager:  Concur/date 12/15/09  
Committee Action:            Council Action

# THE ORLANDO FIRM, P.C.

ATTORNEYS AT LAW  
DECATUR COURT  
SUITE 400  
WEST PONCE de LEON AVENUE  
DECATUR, GEORGIA 30030

ROGER W. ORLANDO  
MARK A. SEGAL  
GEORGE W. BRINSON

**RECEIVED**

TELEPHONE (404) 373-1800  
FACSIMILE (404) 373-6999  
TOLL FREE (866) 373-1800

JUL 07 2009

ENTERED - 7-10-09 - SB  
09L0491 - L. CARTER

CITY OF ATLANTA LAW DEPT. [www.OrlandoFirm.com](http://www.OrlandoFirm.com)

May 22, 2009

*Carter*  
*07/09/09*  
*[Signature]*

Via Certified Mail-Receipt Requested No.7007 2680 0000 4932 9335

**COUNCIL OF THE CITY OF ATLANTA**

Municipal Clerk

City Hall

55 Trinity Avenue, SW

Atlanta, Georgia 30303

**10- R -0083**

Via Certified Mail-Receipt Requested No.7007 2680 0000 4932 9342

Elizabeth B. Chandler, City Attorney

**CITY OF ATLANTA LAW DEPARTMENT**

68 Mitchell Street, Suite 4100

Atlanta, Georgia 30303

RE: Our Client: Mr. Mark Dowdy  
Date of Loss: April 20, 2009  
Our File No.: 10201-2

Dear Municipal Clerk and Ms. Chandler:

This letter will serve as ante-litem notice to the City of Atlanta, pursuant to O.C.G.A. {36-33-5}, in reference to a claim for bodily injury damages against the City of Atlanta as described below.

Mr. Dowdy resides at 39 Lakeview Drive, NE, Atlanta, Georgia 30317. On April 20, 2009, around 8:00 PM, Mr. Dowdy was out walking in his neighborhood on Oakview Road between 1<sup>st</sup> and 2<sup>nd</sup> Avenues. He was on the sidewalk and stepped on a metal water meter cover which flipped up and caused Mr. Dowdy's right leg to fall into the now open hole injuring Mr. Dowdy as shown on the attached photos. Photos of the location of the incident are also attached.

Mr. Dowdy received medical treatment from Dr. Richard Hudson and at DeKalb Medical Center.

The City of Atlanta failed to keep and maintain its sidewalk in a reasonable and safe condition as shown on the attached photographs.

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