

CLAIM OF: **CITY WIDE WRECKER**
C/O Arch Gary
480 Englewood Avenue, SE
Atlanta, Georgia 30315

For vehicular damages alleged to have been sustained after driving over an uncovered manhole on August 26, 2009 at McDonough Boulevard & Gault Street.

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 **CITY WIDE WRECKER** the sum of **\$1,157.08** as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained after driving over an uncovered manhole on August 26, 2009 at McDonough Boulevard & Gault Street as is more particularly set forth in the within claim; said sum taken from and charged to account **5051/170201/5750002/4310000**.

APPROVED: **ROGER BHANDARI**
ACTING CITY ATTORNEY

APPROVED
[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**

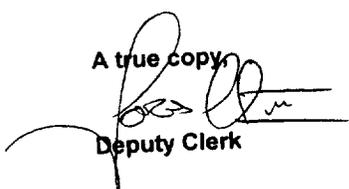
10-R-0085

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 **City Wide Wrecker** the sum of **\$1,157.08** 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 **driving over an uncovered manhole on August 26, 2009 at McDonough Boulevard and Gault Street** 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. 09L0679

Date: December 21, 2009

Claimant /Victim CITY WIDE WRECKER
BY: (Atty) (Ins. Co.) C/O Arch Gary
Address: 480 Englewood Avenue, SE, Atlanta, Georgia 30315
Subrogation: Claim for Property damage \$ 1,157.08 Bodily Injury \$
Date of Notice: 9/9/09 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 8/26/09 Place: McDonough Boulevard & Gault Street
Department WATERSHED MANAGEMENT Bureau : Waste Water Treatment & Collections Office :
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant sustained vehicular damages after driving over an uncovered manhole in the roadway. An investigation has determined that the City was under construction and left in an unsafe manner.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures X 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 X Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,

[Handwritten signature]

INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 1,157.08 Adverse Account charged: General Fund Water & Sewer X Aviation
Claims Manager: Concur/date 12/22/09
Committee Action: Council Action

SEP 9 REC'D

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

RE: CLAIM FOR DAMAGES RECEIVED

Today's Date: 08-26-09

ENTERED - 9-10-09 - SB
09L0679 - G. BURNS

BURNS
09/10/09
[Signature]

Dear Municipal Clerk:

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

- Date of incident: 08-26-09 2. Time of incident: 4:30pm 3. Police called: yes
- Location of incident (including street address): McDonough Blvd SE/Gault St
- Name of your insurance company: Redland Insurance Policy No. R2012510116
- State what and how incident occurred: while driving west on McDonough Blvd, I drove over an uncovered man hole that was located McDonough Blvd at Gault St

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: 05 Intl. JN264P Keith Boyd
(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]
Signature of Claimant

City Wide Wrecker
c/o Arch Gary
(Print Claimant's Name)

480 Englewood Ave. SE
(Address)

Atlanta, Ga 30315
(City, State and Zip Code)

(404)622-5351 (770)463-1456
(Work Number) (Home Number)

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