

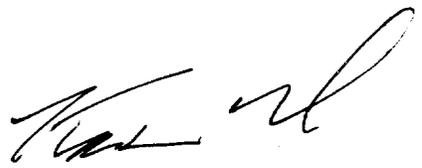
CLAIM OF: **MARY S. MCCULLOUGH**  
602 Lake Ridge Lane  
Dunwoody, Georgia 30338

For bodily injuries alleged to have been sustained due to a fall on August 1, 2007 at 640 North Avenue, NE.

**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 **MARY S. MCCULLOUGH** the sum of **\$5,000.00** as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character for bodily injuries alleged to have been sustained due to a fall on August 1, 2007 at 640 North Avenue 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



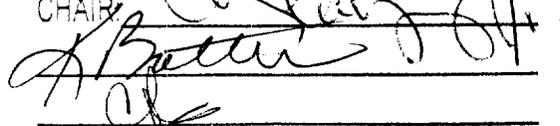
BY: \_\_\_\_\_  
**JERRY L. DELOACH**  
DEPUTY CITY ATTORNEY

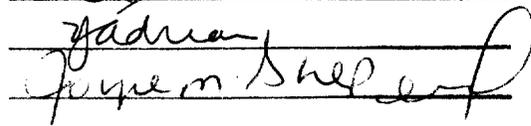
**FAVORABLE REPORT**

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 3/9/10

CHAIR: \_\_\_\_\_



\_\_\_\_\_ 

\_\_\_\_\_ 

ADOPTED BY  
MAR 15 2010  
COUNCIL

MAR 15 2010





**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**10-R-0438**

**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 **Mary S. McCullough** the sum of **\$5,000.00** 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 sustained due to a fall **on August 1, 2007 at 640 North Avenue** 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,

*Rhonda Dauphin Johnson*  
Municipal Clerk

ADOPTED by the Atlanta City Council  
APPROVED by Mayor kasim Reed

MAR 15, 2010  
MAR 23, 2010

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 08L0114

Date: January 29, 2010

Claimant /Victim MARY S. MCCULLOUGH
BY: (Atty) (Ins. Co.)
Address: 5909 Tree Lodge Parkway, Sandy Springs, Atlanta, Georgia 30314
Subrogation: Claim for Property damage \$ Bodily Injury \$ 10,000.00
Date of Notice: 1/30/08 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 8/1/07 Place: 640 North Avenue, NE
Department MAYOR Bureau: Office: Enterprise Assets Management
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant sustained bodily injuries when she fell on a defective area of the walkway of the parking lot at the above location. An investigation has determined that although the City was not on notice of the defective problem prior to the date of the claimant's incident the condition existed for such a length of time to show that City had implied notice.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report 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
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,

G. Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 5,000.00 Adverse Account charged: General Fund X Water & Sewer Aviation
Claims Manager: Concur/date 02/11/10
Committee Action: Council Action

*OPM*

RECEIVED  
OFFICE OF  
MUNICIPAL CLERK

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

RE: CLAIM FOR DAMAGES  
2008 JAN 30 PM 3:03  
Today's Date: *1/27/08*

ENTERED - 2-18-08 - SB  
08L0114 - GWEN BURNS

*BURNS*  
*02/15/08*  
*[Signature]*

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 3,000.00 property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

- Date of incident: 8-1-2007 2. Time of incident: 2:30 3. Police called: NO
- Location of incident (including street address): City Hall East (property Recovery)  
640 North Avenue
- Name of your insurance company: \_\_\_\_\_ Policy No. \_\_\_\_\_
- State what and how incident occurred: I went to North Ave location to pick up release papers for my truck that had been towed. I fell in the parking lot about 3 feet from the stairs to the building. Broken pavement could not see that it was loose.
- 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: \_\_\_\_\_  
(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.

Mary S. McCullough  
Signature of Claimant

Mary S. McCullough  
(Print Claimant's Name)

602 Lake Ridge Lane  
(Address)

Dunwoody, GA 30338  
(City, State and Zip Code)

770-4571679 770-656-8868 (cell)  
(Work Number) (Home Number)

*5909-Tree Hedge*  
*Amy*  
*Sandy Springs, GA*  
*30350*

10- R -0438

RCS# 124  
3/15/10  
2:18 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

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

CONSENT I