

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: 3/5/12
Reviewed by: BP

SUBJECT: Claim #AL659 – Eden v City of Albany

FROM: Nicole Almaguer, City Clerk
Aaron Walker, Human Resources Manager

STAFF RECOMMENDATION

Reject the claim and authorize the City Clerk to send out the appropriate rejection letter to Ilse Eden.

BACKGROUND

The claim was filed by Ilse Eden. The claim is alleging City liability for property damage to Ms. Eden's vehicle upon hitting a fence on Masonic Avenue. This claim could have validity if the City's fence created a dangerous condition on public property and the City had actual or constructive notice of the condition – e.g., if the fence was too close to the traveled right-of-way or not properly marked. The City conducted an investigation and it was determined that the fence posts were properly marked and reflectorized, and that no other reports of damage had been received by Public Works since the fence was installed four months ago. Following this investigation and review, it is recommended that the claim be rejected.

FINANCIAL IMPACT

Possibility of a lawsuit.