

00- R-0623

(Do Not Write Above This Line)

A RESOLUTION
BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING PAYMENT
IN THE AMOUNT OF \$3,000.00 IN
SETTLEMENT OF THE CLAIM OF
MICHAEL TURNER AGAINST THE CITY
OF ATLANTA.

ADOPTED BY

MAY 15 2000

APPROVED:

Rosalind Rubens
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair *C. Timmons*
Refer to _____

Committee

Date

Chair

Action:
Fav, Adv, Held (see rev. side)
Other:

Members

Refer To

Committee

Date

Chair

Action:
Fav, Adv, Held (see rev. side)
Other:

Members

COUNCIL ACTION

- 2nd
 - 1st & 2nd
 - 3rd
- Readings

Consent V Vote CRC Vote

CERTIFIED

CERTIFIED
MAY 15 2000
John M. Starnes
MAYOR
MUNICIPAL PRESIDENT PROTTEM

CERTIFIED
MAY 15 2000
Rosalind Rubens
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

MAY 24 2000

WITHOUT SIGNATURE
BY OPERATION OF LAW



CITY COUNCIL
ATLANTA, GEORGIA

00-*R*-0623

A RESOLUTION

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$3,000.00 IN SETTLEMENT OF THE CLAIM
OF MICHAEL TURNER AGAINST THE CITY OF ATLANTA**

WHEREAS, Michael Turner has filed a claim against the City of Atlanta seeking damages arising out of an incident occurring on July 6, 1999 at 1659 Rogers Avenue, SW; and

WHEREAS, the incident occurred when Mr. Turner fell into a hole located around a water meter at the above location that was in existence prior to January 1, 1999; and

WHEREAS, the Department of Water performs ministerial functions and therefore this claim is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

WHEREAS, the claimant has asserted damages in the amount of \$6,000.00 and has agreed to accept the sum of \$3,000.00 in full and complete satisfaction and settlement of his claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of Michael Turner be settled for the sum of \$3,000.00.

THEREFORE, BE IT RESOLVED by the Council of the City of Atlanta, Georgia that \$3,000.00 be paid by the City of Atlanta in satisfaction of any and all claims Michael may have stemming from damages sustained to him on or about July 6, 1999 at 1659 Rogers Avenue, SW.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and is hereby authorized to pay the above mentioned sum from account number 2J01/529017/T31001.

A true copy,

Phonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

May 15, 2000

May 24, 2000

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0738

Date: April 11, 2000

Claimant /Victim MICHAEL TURNER
BY: (Atty) (Ins. Co.)
Address: 1595 Westwood Avenue, Atlanta, Georgia 30310
Subrogation: Claim for Property damage \$ Bodily Injury \$ 6,000.00
Date of Notice: 11/02/99 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 07/06/99 Place: 1659 Rogers Avenue, SW
Department Water Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant incurred injures when he fell into a hole surrounding a water meter box that had been in existence prior to January 1, 1999.

INVESTIGATION:

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

[Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 3,000.00 Adverse Account charged: 1A01 2J01 X 2H01
Claims Manager: [Signature] Concur/date 04-12-00
Committee Action: Council Action

Reeves
11/02/99
on

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 11-1-99

ENTERED - 11-8-99 - SB
99L0738 - MIKE REEVES

Dear Municipal Clerk:

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

- 1. Date of incident: 7-6-99
(month/day/year)
- 2. Police called: Yes No
- 3. Location of incident: 1659 Rogers Ave. S.W.
- 4. Name of your insurance company: _____ Policy No. _____
- 5. State what and how incident occurred: Fell in Water Meter hurt
Back & Ankle

6. 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!

7. 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 (copy of the current tag receipt or title).

Your vehicle: _____
(make) (year) (tag number) (driver's name)

City vehicle: _____
(make) (City driver's name) (department/bureau)

8. Witness: _____
(name) (address) (telephone number)

9. 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).

10. This claim should be mailed immediately to the address shown above.

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

Michael Turner
(claimant's name)
1595 Westwood Ave
(address)
Atl. Ga. 30310
(city and state)
404-738-2837
(work number) (home number)

COUNCIL PRESIDENT PROTEM DEBI STARNES PRESIDED

RCS# 1952
5/15/00
4:01 PM

Atlanta City Council

Regular Session

CONSENT AGENDA PAGES (1 - 11)

ADOPT

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

NV McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	NV Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-0654
00-O-0396
00-R-0329

COUNCIL PRESIDENT PITTS
ABSTAINED ON 00-O-0523

COUNCILMEMBER MARTIN
ABSTAINED ON 00-R-0660

05/15/00 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-0204	34. 00-R-0598
2. 00-O-0523	35. 00-R-0599
3. 00-O-0649	36. 00-R-0600
4. 00-O-0650	37. 00-R-0601
5. 00-O-0255	38. 00-R-0602
6. 00-O-0397	39. 00-R-0603
7. 00-O-0398	40. 00-R-0604
8. 00-O-0568	41. 00-R-0605
9. 00-O-0050	42. 00-R-0606
10. 00-O-0530	43. 00-R-0607
11. 00-O-0531	44. 00-R-0608
12. 00-O-0656	45. 00-R-0609
13. 00-O-0378	46. 00-R-0610
14. 00-O-0651	47. 00-R-0611
15. 00-O-0652	48. 00-R-0612
16. 00-O-0657	49. 00-R-0613
17. 00-O-0664	50. 00-R-0614
18. 00-O-0665	51. 00-R-0615
19. 00-R-0623	52. 00-R-0616
20. 00-R-0633	53. 00-R-0617
21. 00-R-0678	54. 00-R-0618
22. 00-R-0399	55. 00-R-0619
23. 00-R-0400	56. 00-R-0620
24. 00-R-0587	57. 00-R-0627
25. 00-R-0624	58. 00-R-0628
26. 00-R-0660	59. 00-R-0631
27. 00-R-0591	60. 00-R-0632
28. 00-R-0692	
29. 00-R-0597	
30. 00-R-0621	
31. 00-R-0622	
32. 00-R-0629	
33. 00-R-0630	