

00-0633

(Do Not Write Above This Line)

A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF THE CLAIM OF DANIELLE PITTS on behalf of her minor child, DARRIUS PITTS IN THE AMOUNT OF \$1,500.00 AGAINST THE CITY OF ATLANTA

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADOPTED BY
MAY 15 2000

COUNCIL

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

Date Referred

Referred To:

First Reading

Committee _____
Date 5/15/00
Chair C. T. Martin
Refer to _____

Committee

Date

Chair

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

Members

Refer To

COUNCIL ACTION

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

- Consent
- V Vote
- CRC Vote

CERTIFIED

CERTIFIED
MAY 15 2000

John M. Starns
COUNCIL PRESIDENT PROTEM

CERTIFIED
MAY 15 2000

Rosalind Rubens Newell
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

MAY 24 2000

WITHOUT SIGNATURE
BY OPERATION OF LAW



CITY COUNCIL
ATLANTA, GEORGIA

00- R-0633

RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF THE CLAIM OF DANIELLE PITTS on behalf of her minor child, DARRIUS PITTS IN THE AMOUNT OF \$1,500.00 AGAINST THE CITY OF ATLANTA

WHEREAS, DANIELLE PITTS on behalf of her minor child, DARRIUS PITTS has filed a claim against the City of Atlanta seeking damages for bodily injuries as a result of a restroom stall door falling onto and fracturing her minor child's foot; and

WHEREAS, the Recreation Division failed to keep the restrooms located at Ben Hill Recreation Center in a safe and operational condition for ordinary use; and

WHEREAS, the City of Atlanta was on notice of said nuisance and made an attempt, however unsuccessful, to abate said nuisance; and

WHEREAS, inasmuch as the facts disclosed indicate said claim is not based on a claim of negligence, but is a nuisance which 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 \$1,500.00 and has agreed to accept this sum in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of Danielle Pitts on behalf of her minor child, Darrius Pitts, be settled for the sum of \$1,500.00.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$1,500.00 be paid by the City of Atlanta to Danielle Pitts on behalf of her minor child, Darrius Pitts, in satisfaction of any and all claims she may have stemming from damages sustained to her minor child, Darrius Pitts, on or about January 30, 2000, at the Ben Hill Recreation Center, and that the City Attorney prepare appropriate releases.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to pay the above mentioned sum from account number 1A01/529017/T31001.

A true copy,

Rhonda Dauphin 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

BURNS
01/05/00
[Signature]

RE: CLAIM FOR DAMAGES

Today's Date: 1/3/00

ENTERED - 1-11-00 - SB
00L0003 - GWEN BURNS

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

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ _____ property and/or \$ 1,500 bodily injury for which I contend the City is liable.

1. Date of incident: 10/25/99
(month/day/year)

2. Police called: Yes No

3. Location of incident: BEN HILL RECREATION (FAIRBURN RD, ATL)

4. Name of your insurance company: CIGNA Policy No. 0000410230

5. State what and how incident occurred: DARRIUS WAS IN RESTROOM WITH MIKE FRANKLIN - WENT TO CLOSE THE STALL DOOR (NO SCREWS IN H, DOOR CAME ALOOSE FROM WALL - FELL ACROSS LEFT FOOT BREAKING THE FOOT IN (3) PLACES

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.

DARRIUS PITTS
(claimant's name)

839 South 19th Ave #2
(address)

MAYWOOD, IL 6015
(city and state)

(800) 456-7596 / (708) 3816
(work number) (home number)

X 7563

*There are additional bills - will follow up later with copies
Shantell Pitts*

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0003

Date: April 24, 2000

Claimant /Victim DANIEL PITTS on behalf of her minor child DARRIUS PITTS

BY: (Atty) (Ins. Co.)

Address: 839 South 19th Avenue, #2-S, Maywood, Illinois 60153

Subrogation: Claim for damages \$ Bodily Injury \$ 1,500.00

Date of Notice: 1/5/00 Method: Written, Proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 10/25/99 Place: Ben Hill Recreation Center

Department PR&CA Division Recreation

Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant's minor child was inside of the restroom at the above location and as he attempted to close one of the stall doors it fell on his foot fracturing it in three (3) places. An investigation determined that the screws that held the stall door in place had worked their way out, as screws in other doors had, causing this door to become loose and dangerous. The City had notice of the problem with the stall doors yet failed to properly correct it.

INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X

Pictures Diagrams Reports: Police Dept Report Other

Traffic citations issued: City Driver Claimant Driver X

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

Improper Notice More than Six Months Other X Damages reasonable

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 1,500.00 Adverse Account charged: 1A01 X 2J01 2H01

Claims Manager: Concur/date 12-3-00

Committee Action: Council Action

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 00L0003

\$ 1,500.00

IN CONSIDERATION of the sum of ONE THOUSAND FIVE HUNDRED DOLLARS AND NO/100s DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City, its officers and employees, from any and all claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly for or on account of a bodily injury incident which occurred on or about the 25th day of October, 1999, at or near Ben Hill Recreation Center

It is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

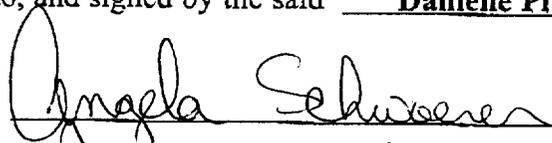
And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this instrument.

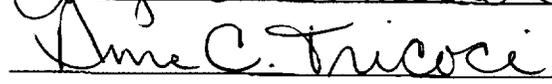
WITNESS my hand and seal this 27th day of April 2005



DANIELLE PITTS as legal guardian of her minor child DARRIUS PITTS

The above release was read and explained to, and signed by the said Danielle Pitts in our presence on the date above written.





WITNESSES

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
<ol style="list-style-type: none"> 1. 00-O-0204 2. 00-O-0523 3. 00-O-0649 4. 00-O-0650 5. 00-O-0255 6. 00-O-0397 7. 00-O-0398 8. 00-O-0568 9. 00-O-0050 10. 00-O-0530 11. 00-O-0531 12. 00-O-0656 13. 00-O-0378 14. 00-O-0651 15. 00-O-0652 16. 00-O-0657 17. 00-O-0664 18. 00-O-0665 19. 00-R-0623 20. 00-R-0633 21. 00-R-0678 22. 00-R-0399 23. 00-R-0400 24. 00-R-0587 25. 00-R-0624 26. 00-R-0660 27. 00-R-0591 28. 00-R-0692 29. 00-R-0597 30. 00-R-0621 31. 00-R-0622 32. 00-R-0629 33. 00-R-0630 	<ol style="list-style-type: none"> 34. 00-R-0598 35. 00-R-0599 36. 00-R-0600 37. 00-R-0601 38. 00-R-0602 39. 00-R-0603 40. 00-R-0604 41. 00-R-0605 42. 00-R-0606 43. 00-R-0607 44. 00-R-0608 45. 00-R-0609 46. 00-R-0610 47. 00-R-0611 48. 00-R-0612 49. 00-R-0613 50. 00-R-0614 51. 00-R-0615 52. 00-R-0616 53. 00-R-0617 54. 00-R-0618 55. 00-R-0619 56. 00-R-0620 57. 00-R-0627 58. 00-R-0628 59. 00-R-0631 60. 00-R-0632