

CLAIM OF: **LINDA GEBERT**  
274 Paces Lake Drive  
Dallas, Georgia 30132

For damages alleged to have been sustained as a result of a vehicular accident on April 6, 2000 at 2125 Northside Drive, NE.

BY: PUBLIC SAFETY AND LEGAL  
ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **LINDA GEBERT** the sum of **\$800.60** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular incident on April 6, 2000 at 2125 Northside Drive, NE is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

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

AUG 07 2000

COUNCIL

APPROVED: *[Signature]* JPT  
Public Safety  
8/1/00  
C. F. Martin  
CH  
*[Signature]*  
*[Signature]*

*[Signature]*  
*[Signature]*  
*[Signature]*

CONSENT AGENDA

APPROVED

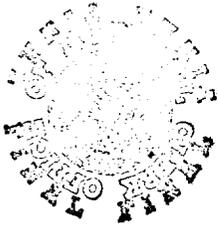
AUG 16 2000

WITHOUT SIGNATURE  
BY OPERATION OF LAW

ADOPTED BY

CERTIFIED  
AUG 7 2000  
ATLANTA GOVT. PRINTING  
*[Signature]*

CERTIFIED  
AUG 07 2000  
*Rosalind Rubens Newell*  
MUNICIPAL CLERK



**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**00-R-1200**

**A RESOLUTION**

**BY PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE**

**BE IT RESOLVED BY** the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Linda Gebert** in the sum of **\$800.60** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of **a vehicular accident on April 6, 2000 at 2125 Northside Drive, NE** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk, CMC

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

AUG 07, 2000

AUG 16, 2000

BURNS

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

JUN 19

RE: CLAIM FOR DAMAGES 06/29/00  
Today's Date: 6/14/00 *DM*

ENTERED - 7-6-00 - SB  
00LO407 - GWEN BURNS

06-19-00 P00:50 IN

Dear Municipal Clerk:

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

1. Date of incident: 4-16-2000 2. Time of Incident: \_\_\_\_\_ 3. Police called:  Yes  No  
(month/day/year)

4. Location of incident (including street address): City of Atlanta (Tennis Center) 2125 Northside Dr.

5. Name of your insurance company: Allstate Policy No. 615921964

6. State what and how incident occurred: \_\_\_\_\_  
See attached police report  
My car was parked and the person on the Cushman attempted to go between my car and another.

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 (copy of the current tag receipt or title).

Your vehicle: Honda 98 NMA700 (Parked)  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: Cushman Michael Bernard  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: \_\_\_\_\_  
(Name) (Address) (Telephone Number)

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

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

Linda Gebert  
Signature of Claimant

Linda Gebert  
(Print Claimant's Name)

274 Paces Lake Dr.  
(Address)

Dallas, GA. 30132  
(City, State and Zip Code)

770/445-0015 770/443-1803  
(Work Number) (Home Number)

(Fax) (7) 445-0660  
0660

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0407

Date: July 19, 2000

Claimant /Victim LINDA GEBERT
BY: (Atty) (Ins. Co.)
Address: 274 Paces Lake Drive, Dallas, Georgia 30132
Subrogation: Claim for Property damage \$ 800.60 Bodily Injury \$
Date of Notice: 6/19/00 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 4/16/00 Place: 2125 Northside Drive, NE
Department PARKS, RECREATION & CULTURAL AFFAIRS Division Parks
Employee involved Michael Bernard Disciplinary Action: 2 day suspension

NATURE OF CLAIM: Claimant's parked vehicle sustained damage when it was side swiped by a City vehicle. An investigation determined that the City employee denied causing the accident. However, five witnesses reported to the City employee's supervisor that they saw the City employee caused the accident.

INVESTIGATION:

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

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 800.60 Adverse Account charged: 1A01 X 2J01 2H01
Claims Manager: Concur/date 07-21-00
Committee Action: Council Action

**GENERAL RELEASE AND INDEMNIFICATION**

CLAIM NUMBER 407 00L0378

\$ 800.60

IN CONSIDERATION of the sum of EIGHT HUNDRED DOLLARS AND 60/100 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, including but not limited to Michael Bernard 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 vehicular accident which occurred on or about the 16th day of April, 2000, at or near 2125 Northside Drive

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 14 day of July, 2000

Linda Gebert (LS)  
**Linda Gebert**

\_\_\_\_\_ (LS)

The above release was read and explained to, and signed by the said Linda Gebert in our presence on the date above written.  
**(Linda Gebert)**

Keri Sawyer  
Cynthia Maddox  
WITNESSES

00-R-1200

Atlanta City Council

Regular Session

CONSENT 1

Pages 1-15 KP

Adopt

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

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

NV McCarty  
Y Starnes  
Y Bond  
Y Winslow

Y Dorsey  
Y Woolard  
Y Morris  
Y Muller

Y Moore  
Y Martin  
Y Maddox  
Y Boazman

Y Thomas  
B Emmons  
Y Alexander  
NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
00-O-1102  
00-R-1197  
00-R-1106  
00-R-1123  
00-R-0721

<b>08/07/00 Council Meeting</b>		
<b>ITEMS ADOPTED ON CONSENT AGENDA</b>	<b>ITEMS ADOPTED ON CONSENT AGENDA</b>	<b>ITEMS ADVERSED ON CONSENT AGENDA</b>
1. 00-O-1009	41. 00-R-1175	64. 00-R-1148
2. 00-O-1010	42. 00-R-1176	65. 00-R-1149
3. 00-O-1011	43. 00-R-1177	66. 00-R-1150
4. 00-O-1012	44. 00-R-1178	67. 00-R-1151
5. 00-O-1079	45. 00-R-1179	68. 00-R-1152
6. 00-O-0834	46. 00-R-1180	69. 00-R-1153
7. 00-O-1065	47. 00-R-1181	70. 00-R-1154
8. 00-O-1004	48. 00-R-1182	71. 00-R-1155
9. 00-O-1112	49. 00-R-1183	72. 00-R-1156
10. 00-R-1139	50. 00-R-1184	73. 00-R-1157
11. 00-R-1140	51. 00-R-1185	74. 00-R-1158
12. 00-R-1141	52. 00-R-1186	75. 00-R-1159
13. 00-R-1142	53. 00-R-1187	76. 00-R-1160
14. 00-R-1144	54. 00-R-1188	77. 00-R-1161
15. 00-R-1204	55. 00-R-1189	78. 00-R-1162
16. 00-R-1208	56. 00-R-1190	79. 00-R-1163
17. 00-R-1209	57. 00-R-1191	80. 00-R-1164
18. 00-R-1210	58. 00-R-1192	81. 00-R-1165
19. 00-R-1106	59. 00-R-1193	82. 00-R-1166
20. 00-R-1146	60. 00-R-1199	83. 00-R-1167
21. 00-R-1147	61. 00-R-1200	84. 00-R-1168
22. 00-R-1194	62. 00-R-1201	85. 00-R-1169
23. 00-R-1203	63. 00-R-1202	86. 00-R-1170
24. 00-R-1205		87. 00-R-1171
25. 00-R-1212		88. 00-R-1172
26. 00-R-1213		89. 00-R-1173
27. 99-R-1145		90. 00-R-1174
28. 99-R-1932		
29. 00-R-1108		
30. 00-R-1110		
31. 00-R-1129		
32. 00-R-1130		
33. 00-R-1131		
34. 00-R-1134		
35. 00-R-1206		
36. 00-R-1121		
37. 00-R-0329		
38. 00-R-1136		
39. 00-R-1137		
40. 00-R-1138		