

00-~~2~~-1387

(Do Not Write Above This Line)

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF \$2,173.18 IN SETTLEMENT OF THE CLAIM OF ROBERT J. DOMMERGUE AGAINST THE CITY OF ATLANTA

ADOPTED BY  
SEP 18 2000

- PROPOSED REFER
  - REGULAR REPORT REFER
  - ADVERTISE & REFER
  - 1st ADOPT 2nd READ & REFER
  - REASONABLE RUBENS NEWELL
- DEPUTY CITY ATTORNEY  
Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair C. F. Newell  
 Referred to \_\_\_\_\_

Committee <u>P. S. &amp; L. A.</u>	Committee _____
Date <u>9/12/00</u>	Date _____
Chair <u>C. F. Newell</u>	Chair _____
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other: _____	Other: _____
Members <u>[Signatures]</u>	Members _____
Refer To <u>Refer to [Signature]</u>	Refer To _____

Committee _____	Committee _____
Date _____	Date _____
Chair _____	Chair _____
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other: _____	Other: _____
Members _____	Members _____
Refer To _____	Refer To _____

FINAL COUNCIL ACTION

2nd  1st & 2nd  3rd  
 Readings

Consent  V Vote  RC Vote

CERTIFIED

CERTIFIED  
SEP 18 2000

Attest: \_\_\_\_\_  
Municipal Clerk

CERTIFIED  
SEP 18 2000

Ronald Douglas Johnson  
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

SEP 27 2000

WITHOUT SIGNATURE  
BY OPERATION OF LAW



CITY COUNCIL  
ATLANTA, GEORGIA

00- *R* -1387

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF \$2,173.18 IN SETTLEMENT OF THE CLAIM OF ROBERT J. DOMMERGUE AGAINST THE CITY OF ATLANTA**

**WHEREAS**, Robert J. Dommergue has filed a claim against the City of Atlanta seeking damages arising out of personal injuries and vehicular damage sustained when his motorcycle struck a pile of dirt that had been left in the roadway; and

**WHEREAS**, during the installation of a house connection for a sanitary sewer by the Sewer Operations Division, a pile of dirt was left in the roadway without proper barricades or warning devices to alert the motoring public. Mr. Dommergue drove his motorcycle into this pile of dirt which caused him personal injuries and property damage; and

**WHEREAS**, the construction and maintenance of public roads is a ministerial function 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 \$2,173.18 and has agreed to accept this sum 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 Robert J. Dommergue be settled for the sum of \$2,173.18.

**THEREFORE, BE IT RESOLVED** that the Council of the City of Atlanta, Georgia that \$2,173.18 be paid by the City of Atlanta in satisfaction of any and all claims Robert J. Dommergue may have stemming from damages sustained to him on or about January 20, 2000 at 1788 McLendon Avenue, NE and that the City Attorney prepare the appropriate releases.

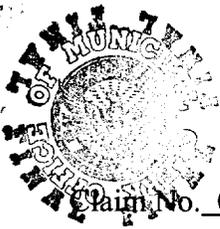
**BE IT FURTHER RESOLVED** that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 2J01/529017/T31001.

A true copy,  
  
Deputy Municipal Clerk

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

September 18, 2000

September 27, 2000



DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0260

Date: August 28, 2000

Claimant /Victim ROBERT J. DOMMERGUE
BY: (Atty.)(Ins. Co.)
Address: 12470 Crabapple Tree Court, Alpharetta, Georgia 30004
Subrogation: Claim for Property damage \$ 1,750.00 Bodily Injury \$ 423.18
Date of Notice: 04/14/00 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 01/20/00 Place: 1788 McLendon Avenue, NE
Department Public Works Division: Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant was injured and damaged his motorcycle when he drove into a pile of dirt that had been left in the roadway by the Sewer Operations Division during the installation of a house connection. The pile of dirt was left in the roadway without any barricades or warning devices to alert the motoring public.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures X Diagrams Reports: Police X Dept Report X 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 X
City not involved Offer rejected Compromise settlement
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 \$ 2,173.18 Adverse Account charged: 1A01 2J01 X 2H01
Claims Manager: [Signature] Concur/date 08-28-00
Committee Action: Council Action



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

APR 14

JORDAN  
 04/26/00  
 [Signature]

RE: CLAIM FOR DAMAGES

Today's Date: 3/29/00

ENTERED - 04/26/00 - tew  
 00L0260 - DOBBS JORDAN

Dear Clerk of Council:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1750.00 property and/or \$ 423.18 bodily injury for which I contend the City is liable.

- Date of incident: JAN 20, 2000  
(month/day/year)
- Police called: X  
 Yes  No  
Police Report attached
- Location of incident: 1788 McClellan Ave NE
- Name of your insurance company: PROGRESSIVE Policy No. SL 04592457-2
- State what and how incident occurred: See Police Report ATTACHED; MOTORCYCLE FLIPPED OVER a huge pile of dirt in middle of STREET. There were no signs, MARKINGS OR ANY other construction posted. A few days later THE ATLANTA SEWER DEPT was observed moving the pile from THE ROAD WAY.
- 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!
- 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: SUZUKI MOTORCYCLE 1991 4940 MK ROBERT J DOMMERGUE  
 (make) (year) (tag number) (driver's name)  
 City vehicle: \_\_\_\_\_  
 (make) (City driver's name) (department/bureau)
- Witness: PATRICK and MARY GRUM 1781 McClellan Ave NE. (404) 378-8234  
 (name) (address) (telephone number)
- The acknowledgement of this claim in no way waives the Governmental 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).
- This claim should be mailed immediately to the address shown above.

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

IN TOWN ADDRESS  
 266 OXFORD PL  
 ATLANTA, GA. 30307  
 (404) 378-9395

ROBERT J. DOMMERGUE  
 (claimant's name)  
12470 CRABAPPLE TREE CT.  
 (address)  
ALPHARETTA GA 30004  
 (city and state)  
(770) 442-1073  
 (work number) (home number)

RCS# 2218  
9/18/00  
2:15 PM

Atlanta City Council

Regular Session

CONSENT

PAGES: 1-19

ADOPT

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

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y McCarty  
Y Starnes  
Y Bond  
Y Winslow

Y Dorsey  
NV Woolard  
Y Morris  
Y Muller

Y Moore  
B Martin  
Y Maddox  
Y Boazman

Y Thomas  
Y Emmons  
Y Alexander  
NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
00-R-1321  
00-R-1322  
00-R-1388  
00-O-1435

**CORRECTED COPY**

CONSENT

		09/18/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA		ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1234	41. 00-R-1352	51. 00-R-1357
2. 00-O-1007	42. 00-R-1353	52. 00-R-1358
3. 00-O-1015	43. 00-R-1397	53. 00-R-1359
4. 00-O-1427	44. 00-R-1398	54. 00-R-1360
5. 00-O-1429	45. 00-R-1399	55. 00-R-1362
6. 00-O-1432	46. 00-R-1400	56. 00-R-1363
7. 00-R-1387	47. 00-R-1401	57. 00-R-1364
8. 00-R-1392	48. 00-R-1402	58. 00-R-1365
9. 00-R-1395	49. 00-R-1403	59. 00-R-1366
10. 00-R-1452	50. 00-R-1404	60. 00-R-1367
11. 00-R-1340		61. 00-R-1368
12. 00-R-1323		62. 00-R-1369
13. 00-R-1433		63. 00-R-1370
14. 00-R-0560		64. 00-R-1371
15. 00-R-0561		65. 00-R-1372
16. 00-R-1454		66. 00-R-1373
17. 00-R-1299		67. 00-R-1374
18. 00-R-1308		68. 00-R-1375
19. 00-R-1334		69. 00-R-1376
20. 00-R-1335		70. 00-R-1377
21. 00-R-1338		71. 00-R-1378
22. 00-R-1394		72. 00-R-1379
23. 00-R-1331		73. 00-R-1380
24. 00-R-1330		74. 00-R-1381
25. 00-R-1332		75. 00-R-1382
26. 00-R-1333		76. 00-R-1383
27. 00-R-1337		77. 00-R-1384
28. 00-R-1339		78. 00-R-1385
29. 00-R-1419		79. 00-R-1386
30. 00-R-1426		80. 00-R-1405
31. 00-R-1342		81. 00-R-1406
32. 00-R-1343		82. 00-R-1407
33. 00-R-1344		83. 00-R-1408
34. 00-R-1345		84. 00-R-1409
35. 00-R-1346		85. 00-R-1410
36. 00-R-1347		86. 00-R-1411
37. 00-R-1348		87. 00-R-1412
38. 00-R-1349		88. 00-R-1413
39. 00-R-1350		
40. 00-R-1351		