

Entered -09/12/00 - sb  
CL 00L0556 - GWENDOLYN BURNS

CLAIM OF: Jimmy L. Curry  
4020 Danforth Road, SW, #103  
Atlanta, Georgia 30331

00- R-1591

For vehicular damages alleged to have been sustained from a metal plate that was not properly secured to the roadway on September 1, 2000 at Pryor Street, SW and Mitchell Street, SW.

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 **Jimmy L. Curry** the sum of **\$1,476.06** 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 damage incident on September 1, 2000 at Pryor Street, SW and Mitchell Street, SW as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

ADOPTED BY  
OCT 16 2000  
COUNCIL

*Ronald J. Pease*  
ATLANTA CITY COUNCIL PRESIDENT  
OCT 16 2000

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

ABLE REPORT

*P.S. & LA*

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

DATE *10/16/00*  
Vice *Clara Handler*

*[Handwritten signatures]*

*Ronald Douglas Burns*  
MUNICIPAL CLERK  
OCT 16 2000  
CERTIFIED

APPROVED

OCT 25 2000

WITHOUT SIGNATURE  
BY OPERATION OF LAW



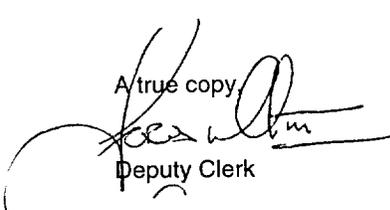
**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**00-R-1591**

**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 **Jimmy L. Curry** in the sum of **\$1,476.06** 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 **vehicular damages on September 1, 2000 at Pryor Street, SW and Mitchell Street** 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

Deputy Clerk

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

OCT 16, 2000

OCT 25, 2000

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0556

Date: September 28, 2000

Claimant /Victim JIMMY L. CURRY
BY: (Atty) (Ins. Co.)
Address: 4020 Danforth Road, SW, #103, Atlanta, Georgia 30331
Subrogation: Claim for Property damage \$ 1,476.06 Bodily Injury \$
Date of Notice: 9/12/00 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 9/1/00 Place: Pryor Street, SW & Mitchell Street, SW
Department PUBLIC WORKS Division Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant's vehicle sustained damage when he drove over a sanitary sewer metal plate in the roadway that was not properly secured to the roadway.

INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X
Pictures 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 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,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 1,763.57 Adverse Account charged: 1A01 2J01 X 2H01
Claims Manager: Concur/date 09-28-00
Committee Action: Council Action

RECEIVED SEP 12 2000 BURNS  
RE: CLAIM FOR DAMAGES 09/12/00  
Today's Date: 9-12-00 *ph*

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

Dear Municipal Clerk:

ENTERED - 9-12-00 - SB  
00L0556 - GWEN BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1,476.06 property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: 9-1-200 (month/day/year) 2. Time of Incident: 9 AM 3. Police called: \_\_\_\_\_ Yes  No

4. Location of incident (including street address): Dryer + Mitchell

5. Name of your insurance company: \_\_\_\_\_ Policy No. \_\_\_\_\_

6. State what and how incident occurred: see police report

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: \_\_\_\_\_  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: \_\_\_\_\_  
(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.

Signature of Claimant

Jimmy L. Curry  
(Print Claimant's Name)

4020 DANFORTH Rd. SW. # 103  
(Address)

Atlanta GA 30331  
(City, State and Zip Code)

Pager (4) 945-9444 (4) 699-2429  
(Work Number) (Home Number)

**GENERAL RELEASE AND INDEMNIFICATION**

CLAIM NUMBER 00L0556

\$ 1,476.06

IN CONSIDERATION of the sum of ONE THOUSAND FOUR HUNDRED SEVENTY-SIX DOLLARS AND 06/100 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, 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 damage incident which occurred on or about the 1st day of September, 2000, at or near Pryor Street, SW & Mitchell Street, SW.

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 21<sup>st</sup> day of September, 2000.

Jimmy L. Curry (LS)  
Jimmy L. Curry  
\_\_\_\_\_  
(LS)

The above release was read and explained to, and signed by the said Jimmy L. Curry in our presence on the date above written.  
(Jimmy L. Curry)

Quendelya Ben  
\_\_\_\_\_  
WITNESSES

RCS# 2337  
10/16/00  
8:35 PM

Atlanta City Council

Regular Session

MUTIPLE CLAIMS WITH FAVORABLE/Unfavor recommend  
ITEMS 1-29  
ADOPT

00-R-1591

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

*Unanimous*

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

MUTIPLE