

Entered - 09/14/00 - sb
CL 00L0563 - GWENDOLYN BURNS

CLAIM OF: John Kerndl
225 Chinaberry Drive
Roswell, Georgia 30076

ADOPTED BY
NOV 20 2000
COUNCIL

For vehicular damages alleged to have been sustained as a result of a rear-end collision on July 3, 2000 at 1968 Peachtree Road, 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 **John Kerndl** the sum of **\$1,126.82** 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 rear-end collision on July 3, 2000 at 1968 Peachtree Road, 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.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

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

FAVORABLE REPORT

COM. *Public Safety*

DATE *11/14/00*

✓ CHM *Chela Hingsberg*

Michael East

[Signature]

[Signature]

APPROVED

NOV 29 2000

WITHOUT SIGNATURE
BY OPERATION OF LAW

[Signature]
ATLANTA CITY COUNCIL PRESIDENT
NOV 20 2000
[Signature]

[Signature]
NOV 20 2000
ATLANTA CITY CLERK

**MUNICIPAL CLERK
ATLANTA, GEORGIA**

00-R-1807

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 **John Kerndl** in the sum of **\$1,126.82** 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 **rear-end collision on July 3, 2000 at 1968 Peachtree Road, 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 Dauphin Johnson
Municipal Clerk, CMC

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

November 20, 2000

November 29, 2000

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0563

Date: November 2, 2000

Claimant /Victim JOHN KERNDL
BY: (Atty) (Ins. Co.)
Address: 225 Chinaberry Drive, Roswell, Georgia 30076
Subrogation: Claim for Property damage \$ 1,427.49 Bodily Injury \$
Date of Notice: 9/6/00 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 7/23/00 Place: 1968 Peachtree Road, NE
Department POLICE Division
Employee involved Charles Little Disciplinary Action: Pending Review

NATURE OF CLAIM: Claimant's vehicle sustained damage when it was rear-ended by a City vehicle. The City vehicle was cited for "following too closely".

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
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,

Wendolyn Burns
INVESTIGATOR - WENDOLYN BURNS

RECOMMENDATION:

Pay \$ 1,126.82 Adverse Account charged: 1A01 X 2J01 2H01
Claims Manager: Concur/date 11/02/00
Committee Action Council Action

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: 8/15/00

BURNS
09/13/00
D

Dear Municipal Clerk:

ENTERED - 9-14-00 - SB

00L0563 - GWEN BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1,247.49 property
and/or \$ _____ bodily injury for which I contend the City is liable. \$ 180.00 Car Rental
3 1,427.49

1. Date of incident: 7/3/2000 2. Time of Incident: _____ 3. Police called: Yes No
(month/day/year)

4. Location of incident (including street address): Peachtree Street

5. Name of your insurance company: USAA Policy No. 003537096

6. State what and how incident occurred: I stopped for traffic and was rear-ended by city of Atlanta truck. Police was called and city of Atlanta employee was ticketed.

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: Volvo 2000 John Kernell
(Make) (Year) (Tag Number) (Driver's Name)

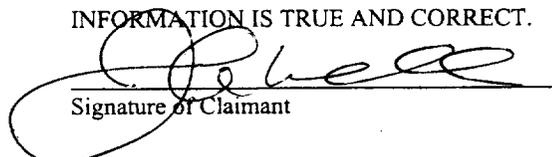
City vehicle: Vehicle #19614 Little
(Make) (City Driver's Name) (Department/Bureau)

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

John Kernell
(Print Claimant's Name)

225 Chimney Drive
(Address)

Roswell, GA 30076
(City, State and Zip Code)

843-681-2299 417
(Work Number) (Home Number)

843-681-7752 (fax)

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 00L0563

\$ 1,427.49

IN CONSIDERATION of the sum of ONE THOUSAND FOUR HUNDRED AND TWENTY-SEVEN AND 49/100 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, 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 rear-end collision which occurred on or about the 3rd day of July, 2000, at or near 1968 Peachtree Road, NE.

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.

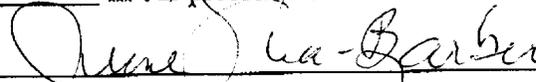
And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand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

WITNESS my hand and seal this 10 day of October, 2000.

 (LS)
JOHN KERNDL

The above release was read and explained to, and signed by the said John Kerndl

in our presence on the date above written.



WITNESSES

00- R -1807

Council President Pro Tem Starnes
Presided

RCS# 2401
11/20/00
2:00 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-18

00-R-1849
(Morris Voted NAY)

ADOPT

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

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

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

ITEM (S) REMOVED FROM
CONSENT AGENDA

00-O-1111
00-R-1693
00-R-1694
00-R-1695
00-R-1696
00-R-1697
00-R-1804
00-R-1835

CONSENT

11/20/00 Council Meeting		
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1690 2. 00-O-1691 3. 00-O-1692 4. 00-O-1845 5. 00-O-1864 6. 00-O-0728 7. 00-R-1702 8. 00-R-1703 9. 00-R-1705 10. 00-R-1707 11. 00-R-1850 12. 00-R-1865 13. 00-R-1851 14. 00-R-1873 15. 00-R-1622 16. 00-R-1623 17. 00-R-1699 18. 00-R-1775* 19. 00-R-1776* 20. 00-R-1777* 21. 00-R-1782 22. 00-R-1687 23. 00-R-1668 24. 00-R-1786 25. 00-R-1789 26. 00-R-1799 27. 00-R-1800 28. 00-R-1813 29. 00-R-1814	30. 00-R-1815 31. 00-R-1849# 32. 00-R-1858 33. 00-R-1862 34. 00-R-1787* 35. 00-R-1790 36. 00-R-1791 37. 00-R-1794 38. 00-R-1798 39. 00-R-1861 40. 00-R-1686 41. 00-R-1843 42. 00-R-1869 43. 00-R-1870 44. 00-R-0973 45. 00-R-0816 46. 00-R-1803 47. 00-R-1805 48. 00-R-1806 49. 00-R-1807 50. 00-R-1808 51. 00-R-1809 52. 00-R-1810 53. 00-R-1811 54. 00-R-1812	55. 00-R-1816 56. 00-R-1817 57. 00-R-1818 58. 00-R-1819 59. 00-R-1820 60. 00-R-1821 61. 00-R-1822 62. 00-R-1823 63. 00-R-1824 64. 00-R-1825 65. 00-R-1826 66. 00-R-1827 67. 00-R-1828 68. 00-R-1829 69. 00-R-1830 70. 00-R-1831 71. 00-R-1832 72. 00-R-1833 73. 00-R-1834 74. 00-R-1836 75. 00-R-1837 76. 00-R-1838 77. 00-R-1839 78. 00-R-1840 79. 00-R-1841 80. 00-R-1842 * President Pitts recused himself. # Lee Morris not voting.