

Entered - 08-09-00 - sb
CL 00L0484 - GWENDOLYN BURNS

CLAIM OF: ALLSTATE INDEMNITY COMPANY 00- R -1812
as subrogee of Myra Cadle
P.O. Box 227257
Dallas, Texas 75222-7257

ADOPTED BY
NOV 20 2000
COUNCIL

For damages alleged to have been sustained as a result of a vehicular accident on June 11, 2000, at Ashby Street, SW & West End Avenue, 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 **Allstate Indemnity Company as subrogee of Myra Cadle** in the sum of **\$1,500.00** 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 June 11, 2000 at Ashby Street SW & West End Avenue, 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.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

APPROVED

NOV 29 2000

WITHOUT SIGNATURE
BY OPERATION OF LAW

FAVORABLE REPORT

COM. Public Safety

DATE 11/14/00

✓ CHM. Cela Harrison

Markus Frank

[Signature]

ATLANTA CITY COUNCIL PRESIDENT
NOV 20 2000
[Signature]

CERTIFIED
NOV 20 2000
[Signature]
MUNICIPAL CLERK



MUNICIPAL CLERK
ATLANTA, GEORGIA

00-R-1812

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 **Allstate Indemnity Co. as subrogee of Myra Cadle** in the sum of **1,500.00** 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 June 11, 2000, at Ashby Street, SW & West End Avenue, SW** 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,


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. 00L0484

Date: November 2, 2000

Claimant /Victim MYRA CADLE
BY: (Atty) (Ins. Co.) ALLSTATE INDEMNITY COMPANY
Address: P.O. Box 227257, Dallas, Texas 75222-7257
Subrogation: X Claim for Property damage \$ 2,785.29 Bodily Injury \$
Date of Notice: 7/28/00 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 7/11/00 Place: Ashby Street SW & Westend Avenue, SW
Department PUBLIC WORKS Division Sewer Operations
Employee involved Deandre Scott Disciplinary Action: Pending Review

NATURE OF CLAIM: Claimant's vehicle sustained damage when she rear ended a City vehicle that made an "improper lane change" in front of her in an attempt to make a left hand turn. City employee was issued a citation pursuant to O.C.G.A. §40-6-12 (a)2.

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,

[Signature: Wendolyn Burns]
INVESTIGATOR - WENDOLYN BURNS

RECOMMENDATION:

Pay \$ 1,500.00 Adverse Account charged: 1A01 2J01 X 2H01
Claims Manager: [Signature] Concur/date 11-07-00
Committee Action: Council Action

Allstate®

BURNS
08/08/00

ALLSTATE INDEMNITY COMPANY
P.O. BOX 148088
IRVING TX 75016

07/31/00

CC: 0020463

(800) 374-4246

ENTERED - 8-9-00 - SB
00L0484 - GWEN BURNS

CITY OF ATLANTA MUNICIPAL CLERK
55 TRINITY AVE SW
ATLANTA GA 30335-0330

OUR INVESTIGATION INDICATES THAT YOUR INSURED WAS RESPONSIBLE FOR THIS LOSS.

SINCE WE HAVE ALREADY MADE SETTLEMENT WITH OUR POLICYHOLDER, THE CLAIM HAS BEEN ABSTAINED TO US. COPIES OF THE FINAL PAPERS RELATING TO THE LOSS ARE ENCLOSED.

PLEASE ACCEPT THIS LETTER AS NOTICE OF OUR SUBROGATION CLAIM. PLEASE FORWARD YOUR PAYMENT WITH OUR CLAIM NUMBER TO:

ALLSTATE PAYMENT PROCESSING CENTER
P.O. BOX 327357
DALLAS, TX, 75222-7357

DIRECT ANY OTHER CORRESPONDENCE TO THE ADDRESS AT THE TOP OF THIS LETTER.

SINCERELY,

SUBROGATION CLAIM REP

ALLSTATE INDEMNITY COMPANY

CBS/G

YOUR FILE NO. : SELF INSURED
YOUR INSURED : CITY OF ATLANTA WK DETAIL
ADDRESS : 676 POND DE LEON AV
ATLANTA GA 30305

OUR CLAIM NO. : 4095309409 PCM
OUR INSURED : MYRA CADLE
LOSS DATE : 07/11/00

LOCATION :
ASHBY ST NC CROSS ST ATLANTA GA

AMOUNT OF LOSS: 42,785.29

PROPERTY DAMAGE RELEASE AND INDEMNIFICATION

CLAIM NUMBER 00L0205

\$ 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, including but not limited to DEANDRE SCOTT from any and all **property damage** 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 11th day of June, 2000, at or near Ashby Street, SW & West End Avenue, 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 25th day of October, ~~19~~ 2000.

Andrea Gail Lewis (LS)
ALLSTATE INDEMNITY COMPANY
as subrogee of Myra Cadle

The above release was read and explained to, and signed by the said _____
in our presence on the date above written. (Allstate as subrogee of Myra Cadle)

Steven [Signature]
WITNESSES

00-R-1812

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 Starnes
NV Bond
Y Winslow

Y Dorsey
Y Woolard
Y Morris
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

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