

00- R-1813

(Do Not Write Above This Line)

A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF THE CLAIM OF SUSIE M. ROZIER IN THE AMOUNT OF \$2,763.97 AGAINST THE CITY OF ATLANTA

By: Robert N. Godfrey Deputy City Attorney

ADOPTED BY

- CONSENT REFER
REGULAR REPORT REFERRED NOV 20 2000
ADVERTISE & REFER
1st ADOPT 2nd READ & REFER
PERSONAL PAPER REFER COUNCIL

Date Referred
Referred To:
Date Referred
Referred To:
Date Referred
Referred To:

First Reading

Committee
Date
Chair
Referred to

Committee
Date
Chair
Action:
Members
Refer To

Committee
Date
Chair
Action:
Members
Refer To

FINAL COUNCIL ACTION
2nd
1st & 2nd
3rd
Consent
V Vote
RC Vote

CERTIFIED
NOV 20 2000
John M. Starns
COUNCIL PRESIDENT PROTEM

CERTIFIED
NOV 20 2000
Randy Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION
APPROVED
NOV 29 2000
BY OR DEPUTY CLERK

A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

00- R -1813

**A RESOLUTION AUTHORIZING THE  
SETTLEMENT OF THE CLAIM OF SUSIE M.  
ROZIER IN THE AMOUNT OF \$2,763.97  
AGAINST THE CITY OF ATLANTA**

**WHEREAS**, SUSIE M. ROZIER, has filed a claim against the City of Atlanta seeking damages to her vehicle; and

**WHEREAS**, the damage to SUSIE M. ROZIER'S vehicle occurred when she drove over a metal plate that was not properly secured to the roadway; 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 \$2,763.97 and has agreed to accept this sum in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

**WHEREAS**, the City Attorney has recommended that the claim of SUSIE M. ROZIER, be settled for the sum of \$2,763.97.

**THEREFORE, BE IT RESOLVED** that the Council of the City of Atlanta, Georgia that \$2,763.97 be paid by the City of Atlanta to SUSIE M. ROZIER, in satisfaction of any and all claims she may have stemming from damages sustained to her vehicle on or about August 3, 2000, at Pryor Street, SW & Mitchell Street, SW and that the City Attorney prepare appropriate releases.

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

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. 00L0589

Date: November 2, 2000

Claimant /Victim SUSIE M. ROZIER
BY: (Atty) (Ins. Co.)
Address: 85 Mt. Zion Road, #119, Atlanta, Georgia 30354
Subrogation: Claim for Property damage \$ 2,763.97 Bodily Injury \$
Date of Notice: 9/25/00 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 8/3/00 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 she drove over a sanitary sewer construction cut in the roadway that was not properly covered and left in an unsafe condition.

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
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 \$ 2,763.97 Adverse Account charged: 1A01 2J01 X 2H01
Claims Manager: Concur/date 11-02-00
Committee Action: Council Action

BURNS  
09/25/00

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: 9-22-00

ENTERED - 9-28-00 - SB  
00L0589 - GWEN BURNS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 2763.97 property and/or \$ — bodily injury for which I contend the City is liable.

1. Date of incident: 8 3-00 (month/day/ year) 2. Time of Incident: 6:30 AM 3. Police called: Yes  No

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

5. Name of your insurance company: Allstate Policy No. 095258953

6. State what and how incident occurred: DRIVING ON PRYOR STREET, AT THE INTERSECTION OF PRYOR + MITCHELL HOLE + HOLE COVER IN MIDDLE OF STREET BOTTOM OF MY CAR HIT HOLE COVER + DAMAGED CAR AS ENCLOSED. WRECKER HAD TO PICK UP FROM TRAFFIC COURT (PLACE OF EMPLOYMENT).

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: Mercedes 90 6 84 NEJ Susie Rozier  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: NIA  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: NONE  
(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.

Susie M. Rozier  
Signature of Claimant

Susie M. Rozier  
(Print Claimant's Name)

85 MT Zion Rd # 119  
(Address)

Atlanta Georgia 30354  
(City, State and Zip Code)

4-658-7716 4-361-0827  
(Work Number) (Home Number)



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.