



CITY COUNCIL
ATLANTA, GEORGIA

00- R -1939

A RESOLUTION

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$7,500.00 TO AMY ARNOLD, THROUGH HER
ATTORNEY, BRUCE A. HAGEN IN SETTLEMENT OF HER
CLAIM AGAINST THE CITY OF ATLANTA**

WHEREAS, AMY ARNOLD, through her attorney Bruce A. Hagen has filed a claim against the City of Atlanta seeking damages arising from personal injuries sustained due to a fall in an open water meter; and

WHEREAS, on May 8, 1999 Amy Arnold was injured when she fell in an open water meter located at 3049 Peachtree Road. The water meter was an abandoned water meter and had not been in operation since 1988; and

WHEREAS, the Department of Water performs ministerial functions and therefore this claim is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

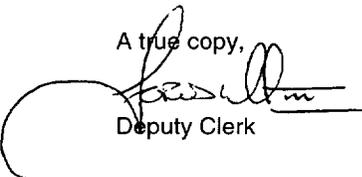
WHEREAS, the claimant has asserted damages in the amount of \$25,000.00 but has agreed to accept the sum of \$7,500.00 in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of **AMY ARNOLD**, through her attorney Bruce A. Hagen be settled for the sum of \$7,500.00.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$7,500.00 be paid by the City of Atlanta in satisfaction of any and all claims **AMY ARNOLD**, through her attorney Bruce A. Hagen may have stemming from personal injuries sustained on or about May 8, 1999 at 3049 Peachtree Road 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 Clerk

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

DEC 04, 2000

DEC 13, 2000

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0434

Date: November 16, 2000

Claimant /Victim AMY ARNOLD
BY: (Atty) Bruce A. Hagen
Address: 230 Peachtree Street, NW, Suite 1502, Atlanta, Georgia 30303
Subrogation: Claim for Property damage \$ Bodily Injury \$ 25,000.00
Date of Notice: 06/30/99 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 05/08/99 Place: 3049 Peachtree Road
Department Water Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The alleges she was injured when she fell in an open water meter. The investigation determined that the water meter was abandoned and had not been read since 1988.

INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X
Pictures Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

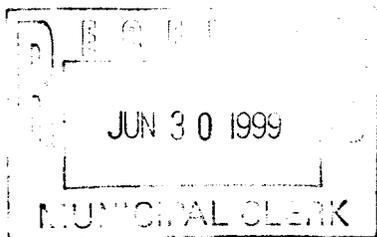
Function: Governmental Ministerial X
Improper Notice More than Six Months Other Damages reasonable
City not involved Offer rejected Compromise settlement X
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,

[Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 7,500.00 Adverse Account charged: 1A01 2J01 X 2H01
Claims Manager: [Signature] Concur/date 11-16-00
Committee Action: Council Action



Mitchell
07/06/99
DM

BRUCE A. HAGEN
Attorney at Law
230 Peachtree Street, N. W.
Suite 1502
Atlanta, Georgia 30303

Telephone:
(404) 522-7553

ENTERED - 7-21-99 - SB
99L0434 - DIANNE MITCHELL

Facsimile:
(404) 522-7744

June 25, 1999

Ms. Sherri Butler
Council of City of Atlanta
Municipal Clerk
City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30335

Re: Your Insured: Water Works
Claim Number: unknown
My Client: Amy Arnold
Date of Loss: 5/8/99

Dear Ms. Butler:

Please accept this as our letter of representation in the above-referenced matter. My client fell in a city water hole, which was not marked. A copy of the police report is enclosed for your review.

In light of the fact that our client was injured due to your insured's negligence, we do not believe that there is any question as to your insured's liability for my client's injuries. However, if you disagree, we trust that you will notify us of your position in the near future.

At this time, we are in the process of assembling information on my client's special damages. My client is still receiving treatment for the injuries sustained. We will forward all information to you when it is available.

Additionally, please accept this as our request in accordance with O.C.G.A. § 33-3-28, that you provide to us within sixty (60) days of receiving this letter, a written statement, under oath, of a corporate officer or insurance claims manager of your company, the following information in regard to the insurance policy issued by you to your insured;

- (1) Each policy of insurance including excess or umbrella insurance;
- (2) Name of the insurer;

Page Two

- (3) Name of each insured; and
- (4) Limits of coverage.

We appreciate your attention to this matter and look forward to working with you on this claim. Thank you for your assistance.

Very Truly Yours,



Bruce A. Hagen
Attorney at Law

Sworn to and subscribed
before me this 25 day
of June, 1999



NOTARY PUBLIC

My Commission expires: 8-13-0

BAH:njp
Enclosure

cc: Ms. Amy Arnold

RCS# 2434
12/04/00
3:58 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-19

ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

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

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-1874
00-O-1986
00-R-1950

CONSENT

		12/04/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1289	36. 00-R-1959	64. 00-R-1816
2. 00-O-1680	37. 00-R-1882	65. 00-R-1817
3. 00-O-1792	38. 00-R-1985	66. 00-R-1818
4. 00-O-1797	39. 00-R-1943	67. 00-R-1819
5. 00-O-1003	40. 00-R-1945	68. 00-R-1820
6. 00-O-1228	41. 00-R-1946	69. 00-R-1821
7. 00-O-1795	42. 00-R-1947	70. 00-R-1822
8. 00-O-1796	43. 00-R-1948	71. 00-R-1823
9. 00-O-1860	44. 00-R-1949	72. 00-R-1824
10. 00-O-1616	45. 00-R-1951	73. 00-R-1825
11. 00-O-1853	46. 00-R-1970	74. 00-R-1826
12. 00-O-1801	47. 00-R-2016	75. 00-R-1827
13. 00-O-1963	48. 00-R-1901	76. 00-R-1828
14. 00-O-1965	49. 00-R-1902	77. 00-R-1829
15. 00-R-1788	50. 00-R-1903	78. 00-R-1830
16. 00-R-1886	51. 00-R-1904	79. 00-R-1831
17. 00-R-1953	52. 00-R-1905	80. 00-R-1832
18. 00-R-1955	53. 00-R-1906	81. 00-R-1833
19. 00-R-2009	54. 00-R-1907	82. 00-R-1834
20. 00-R-2010	55. 00-R-1908	83. 00-R-1836
21. 00-R-2011*	56. 00-R-1909	
22. 00-R-1890	57. 00-R-1910	
23. 00-R-1937	58. 00-R-1911	
24. 00-R-1938	59. 00-R-1912	
25. 00-R-1939	60. 00-R-1913	
26. 00-R-1940	61. 00-R-1914	
27. 00-R-1988	62. 00-R-1915	
28. 00-R-2006	63. 00-R-1916	
29. 00-R-2013		
30. 00-R-1887		
31. 00-R-2015		
32. 00-R-1957		
33. 00-R-1958		
34. 00-R-1877		
35. 00-R-2008		

* President Pitts
recused himself.

00-1939

(Do Not Write Above This Line)

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF \$7,500.00 TO AMY ARNOLD, THROUGH HER ATTORNEY, BRUCE A. HAGEN IN SETTLEMENT OF HER CLAIM AGAINST THE CITY OF ATLANTA

APPROVED BY: ADOPTED BY

DEC 04 2000

Rosalind Rubens Newell

ROSA LIND RUBENS NEWELL

- DEPUTY CITY ATTORNEY
[] CONSENT REFER
[] REGULAR REPORT REFER
[] ADVERTISE & REFER
[] 1st ADOPT 2nd READ & REFER
[] PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee: P. S. L. A
Date: 11/28/00
Chair: C. T. Martin
Referred to:

Committee: P. S. L. A
Date: 11/28/00
Chair: C. T. Martin
Action: Fav, Adv, Hold (see rev. side)
Other:
Members: [Signature]
Refer To:

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

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

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

FINAL COUNCIL ACTION

- [] 2nd Reading
[] 1st & 2nd Reading
[] 3rd Reading
[] Consent
[] V Vote
[] RC Vote

CERTIFIED

CERTIFIED

DEC 4 2000

John M. Spans

CITY PRESIDENT PRO TEM

CERTIFIED

DEC 04 2000

Rosalind Rubens Newell
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

DEC 13 2000

WITHOUT SPOKEE
BY OPERATION OF LAW