

CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION

01- R -0004

BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE

DO NOT TAKE

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$1,000.00 IN SETTLEMENT OF THE CLAIM
OF ALLSTATE INSURANCE COMPANY AS SUBROGEE
OF RHAMON CLEVELAND, THROUGH ITS ATTORNEY,
BOB BERLIN AGAINST THE CITY OF ATLANTA AND FOR
OTHER PURPOSES**

WHEREAS, Allstate Insurance Company as subrogee of Rhamon Cleveland, through its attorney, Bob Berlin, has filed a claim against the City of Atlanta seeking damages arising out of a collision between a vehicle operated by Richard J. Franklin, an employee of the Department of Public Works and Mr. Cleveland's vehicle; and

WHEREAS, the collision occurred when the City employee failed to yield right-of-way and collided the claimant's insured's vehicle; and

WHEREAS, the claimant has asserted damages in the amount of \$3,135.02, but has agreed to accept the sum of \$1,000.00 in full and complete satisfaction and settlement of its subrogation claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of Allstate Insurance Company as subrogee of Rhamon Cleveland, through its attorney, Bob Berlin be settled for the sum of \$1,000.00.

WHEREAS, this claim was previously denied by City Council on November 6, 2000.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that resolution number 00-R-1731 be hereby rescinded and that \$1,000.00 be paid by the City of Atlanta in satisfaction of any and all claims Allstate Insurance Company as subrogee of Rhamon Cleveland, through its attorney, Bob Berlin may have stemming from damages sustained to its insured's property on or about April 16, 2000.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 1A01/529017/T31001.

A true copy,

Phonda Dauphin Johnson
Municipal Clerk, CMC

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

JAN 16, 2001

JAN 25, 2001

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0531

Date: December 29, 2000

Claimant /Victim ALLSTATE INSURANCE COMPANY AS SUBROGEE OF RHAMON CLEVELAND

BY: (Atty) Bob Berlin

Address: 401 Cherry Street, Suite 602, Macon, Georgia 31201-3347

Subrogation: Claim for Property damage \$ 3,135.02 Bodily Injury \$ _____

Date of Notice: 08/28/00 Method: Written, proper Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)

Date of Occurrence 04/16/00 Place: North Avenue and Glen Iris Drive

Department Public Works Division: Street Operations

Employee involved Richard J. Franklin Disciplinary Action: No Action Taken

NATURE OF CLAIM: The driver of the City vehicle failed to yield right-of-way and collided with the claimant's vehicle causing damages in the above amount.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

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 _____

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 Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 1,000.00 Adverse Account charged: 1A01 2J01 _____ 2H01 _____

Claims Manager: Dianne C. Mitchell Concur/date 12-29-00

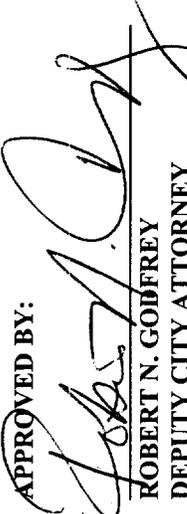
Committee Action: _____ Council Action _____

01-R-0004
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A RESOLUTION

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING PAYMENT IN
THE AMOUNT OF \$1,000.00 IN SETTLEMENT
OF THE CLAIM OF ALLSTATE INSURANCE
COMPANY AS SUBROGEE OF RHAMON
CLEVELAND, THROUGH ITS ATTORNEY, BOB
BERLIN AGAINST THE CITY OF ATLANTA
AND FOR OTHER PURPOSES

APPROVED BY:

ROBERT N. GOFREY
DEPUTY CITY ATTORNEY

ADOPTED BY
JAN 16 2001
COUNCIL

- 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 _____
Date _____
Chair *P. S. ...*
Referred to _____

Committee *P. S. ...*

Date *1/16/01*

Chair *P. S. ...*

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 _____

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

CERTIFIED

CERTIFIED
JAN 16 2001

ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
JAN 16 2001

MUNICIPAL CLERK
[Signature]

MAYOR'S ACTION

APPROVED

JAN 24 2001

WITHOUT SIGNATURE
BY OPERATION OF LAW