



CITY COUNCIL  
ATLANTA, GEORGIA

A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

01-R-0145

**A RESOLUTION AUTHORIZING THE  
SETTLEMENT OF THE CLAIM OF BARBARA  
MASON IN THE AMOUNT OF \$2,424.21  
AGAINST THE CITY OF ATLANTA**

**WHEREAS**, BARBARA MASON, has filed a claim against the City of Atlanta seeking damages to her vehicle; and

**WHEREAS**, the damage to BARBARA MASON'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 \$2,424.21 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 BARBARA MASON, be settled for the sum of \$2,424.21.

**THEREFORE, BE IT RESOLVED** that the Council of the City of Atlanta, Georgia that \$2,424.21 be paid by the City of Atlanta to BARBARA MASON, in satisfaction of any and all claims she may have stemming from damages sustained to her vehicle on or about August 24, 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

FEB 05, 2001

FEB 14, 2001

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0500

Date: January 19, 2001

Claimant /Victim BARBARA MASON

BY: (Atty) (Ins. Co.)

Address: 1327 Pixley Drive, Riverdale, Georgia 30296

Subrogation: Claim for Property damage \$ 2,424.21 Bodily Injury \$

Date of Notice: 8/28/00 Method: Written, Proper X Improper

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

Date of Occurrence 8/24/00 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 metal plate that was not properly secured to the roadway.

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 X

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 \$ 2,424.21 Adverse Account charged: 1A01 2J01 X 2H01

Claims Manager: Concur/date 01-19-01

Committee Action Council Action

RECEIVED AUG 28 2000

BURNS  
08/28/00  
DB

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: 8-25-00

ENTERED - 8-28-00 - SB  
00L0516 - GWEN BURNS

Dear Municipal Clerk:

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

1. Date of incident: 08-24-00 (month/day/year) 2. Time of Incident: 4:00 PM 3. Police called: \_\_\_\_\_ Yes No

4. Location of incident (including street address): Corner of Mitchell and Pryor

5. Name of your insurance company: GEICO Policy No. \_\_\_\_\_

6. State what and how incident occurred: I was driving south on Pryor street I stopped for the red light in front of the state court when the light changed I proceeded through the light but was quickly stopped and my car twisted to one side the hit over

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: Chrysler New York 991 (Make) (Year) (Tag Number) Barbara G. Mason (Driver's Name)

City vehicle: NO (Make) (City Driver's Name) (Department/Bureau)

9. Witness: Jerre Brumbelow (Name) National Parks Svc (Address) 404 562-3163 (Telephone Number) EX566

10. The acknowledgement 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.

Barbara Mason (Signature of Claimant)

Barbara Mason (Print Claimant's Name)

1327 Pixley Drive (Address)

Riverdale, GA 30296 (City, State and Zip Code)

404 657-3553 (Work Number) 770 991-032 (Home Number)

404-562-3163



RCS# 2577  
2/05/01  
2:28 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-14

ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 1

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

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

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
00-O-2069  
01-O-0083  
01-R-0074  
01-R-0092  
01-R-0093

CONSENT

ITEMS ADOPTED ON CONSENT  
AGENDA

ITEMS ADVERSED  
ON CONSENT AGENDA

1. 00-O-1856
2. 01-O-0091
3. 01-O-0094
4. 01-O-0065
5. 01-O-0090
6. 01-O-0097
7. 01-O-0109
8. 00-R-2105
9. 01-R-0078
10. 01-R-0153
11. 01-R-0102
12. 00-R-0729
13. 01-R-0071
14. 01-R-0077
15. 01-R-0114
16. 01-R-0115
17. 01-R-0116
18. 01-R-0117
19. 01-R-0118
20. 01-R-0145
21. 01-R-0149
22. 01-R-0073
23. 01-R-0101
24. 01-R-0147
25. 01-R-0119
26. 01-R-0120
27. 01-R-0122
28. 01-R-0123
29. 01-R-0124
30. 01-R-0125
31. 01-R-0126
32. 01-R-0127
33. 01-R-0128
34. 01-R-0129
35. 01-R-0130
36. 01-R-0146

37. 01-R-0131
  38. 01-R-0132
  39. 01-R-0133
  40. 01-R-0134
  41. 01-R-0135
  42. 01-R-0136
  43. 01-R-0137
  44. 01-R-0138
  45. 01-R-0139
  46. 01-R-0140
  47. 01-R-0141
  48. 01-R-0142
  49. 01-R-0143
  50. 01-R-0144
-

01-0145

(Do Not Write Above This Line)

A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF THE CLAIM OF BARBARA MASON IN THE AMOUNT OF \$2,424.21 AGAINST THE CITY OF ATLANTA

By: [Signature] Robert N. Godfrey Deputy City Attorney

ADOPTED BY

FEB 05 2001

- 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
Referred 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
1st & 2nd
3rd
Readings
Consent
V Vote
RC Vote

CERTIFIED

CERTIFIED FEB 05 2001 ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED FEB 05 2001

MAYOR'S ACTION

APPROVED

FEB 14 2001

WITHOUT SIGNATURE BY OPERATION OF LAW