

Entered - 12-28-01 - sb
CL 01L0048 - GWENDOLYN BURNS

CLAIM OF: **LUKE W. DESHOTELS**
21 Willow Glenn Drive
Marietta, Georgia 30068

01- *R*-0258

For vehicular damages alleged to have been sustained as a result of an automobile accident on July 23, 2000 at Interstate 75/85 North.

ADOPTED BY
MAR 05 2001
COUNCIL

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 **LUKE W. DESHOTELS** the sum of **\$1,643.91** 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 an automobile accident on July 23, 2000 at Interstate 75/85 North 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.

CERTIFIED
MAR 05 2001
Rochelle Douglas
MUNICIPAL CLERK

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: *[Signature]*
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

FAVORABLE REPORT

COM. *PS, LA*

DATE *2/27/01*

CHM. *[Signature]*

[Signature]

[Signature]

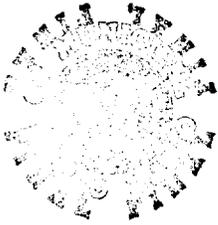
[Signature]

CERTIFIED
MAR 05 2001
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

APPROVED

MAR 14 2001

WITHOUT SIGNATURE
BY OPERATION OF LAW



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

01-R-0258

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 **Luke W. Deshotels** in the sum of **\$1,643.91** 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 **an automobile accident on July 23, 2000 at Interstate 75/85 North** 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,

A handwritten signature in black ink, appearing to read "K. S. ...", is written over the text "A true copy," and above the text "Deputy Clerk".

Deputy Clerk

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

March 5, 2001

March 14, 2001

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0048

Date: February 14, 2001

Claimant /Victim LUKE W. DESHOTELS

BY: (Atty) (Ins. Co.)

Address: 21 Willow Glenn Drive, Marietta, Georgia 30068

Subrogation: Claim for Property damage \$ 1,643.91 Bodily Injury \$

Date of Notice: 12/28/00 Method: Written, proper X Improper

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

Date of Occurrence 7/23/00 Place: Interstate 75/85 North

Department POLICE Division:

Employee involved Charles Fulse Disciplinary Action: No Action Taken

NATURE OF CLAIM: Claimant's vehicle sustained damage when it was struck by a city vehicle that made an "improper lane change". The City employee was cited for same.

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 X Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

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,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 1,643.91 Adverse Account charged: 1A01 X 2J01 2H01

Claims Manager: Concur/date 02-15-01

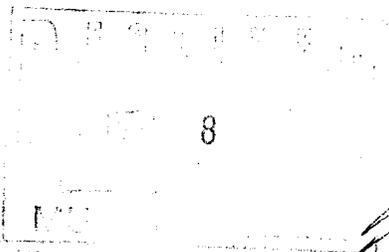
Committee Action: Council Action

BURNS
02/18/01
Dan

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: 11-18-00



Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ \$1281.11 property and/or \$ N/A bodily injury for which I contend the City is liable.

ENTERED - 1-19-01 - SB

0110048

GWEN BURNS

1. Date of incident: 7-23-00 (month/day/year) 2. Time of Incident: 7:00PM approx 3. Police called: Yes No

4. Location of incident (including street address): I75 just north of connector

5. Name of your insurance company: Geico Policy No. 310-05-54

6. State what and how incident occurred: Atlanta police car lost control and hit our front right side.

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: Ford (Make) 99 (Year) 873HSD (Tag Number) Kendall S. Deshotels (Driver's Name)

City vehicle: Charles Fulse (Make) (City Driver's Name) City court (Department/Bureau)

9. Witness: _____ (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.

Luke W. Deshotels
Signature of Claimant

Luke W. Deshotels
(Print Claimant's Name)

21 Willow Glenn Dr.
(Address)

Marietta GA 30068
(City, State and Zip Code)

(4)346-8382 (7)509-1765
(Work Number) (Home Number)

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 01L0048

\$ 1,643.91

IN CONSIDERATION of the sum of ONE THOUSAND, SIX HUNDRED FORTY-THREE AND 91/100 DOLLARS, to be paid to me 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 Charles Fulse, from any and all 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 23rd day of July, 2000 at or near Interstate 75 - Northbound.

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 4th day of February, 2001.

Luke W. Deshotels (LS)
LUKE W. DESHOTELS

The above release was read and explained to, and signed by the said Luke W. Deshotels
(**Luke W. Deshotels**)

in our presence on the date above written.

[Signature] 2/4/01
[Signature] 2/4/01
WITNESSES

01-R-0258



RCS# 2689
3/05/01
6:36 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1 thru. 13

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	Y Thomas	ITEM (S) REMOVED FROM <u>CONSENT AGENDA</u> 01-O-0240 01-R-0307 01-R-0346
Y Starnes	Y Woolard	NV Martin	Y Emmons	
Y Bond	Y Morris	B Maddox	Y Alexander	
Y Winslow	Y Muller	Y Boazman	NV Pitts	

CONSENT

**ITEMS ADOPTED ON CONSENT
AGENDA**

**ITEMS ADVERSED
ON CONSENT AGENDA**

1. 01-O-0179
2. 01-O-0348
3. 00-O-1657
4. 01-O-0355
5. 01-O-0152
6. 01-R-0190
7. 01-R-0349
8. 01-R-0351
9. 01-R-0290
10. 01-R-0304
11. 01-R-0305
12. 01-R-0369
13. 01-R-0370
14. 01-R-0297
15. 01-R-0300
16. 01-R-0298
17. 01-R-0299
18. 01-R-0251
19. 01-R-0252
20. 01-R-0253
21. 01-R-0254
22. 01-R-0255
23. 01-R-0256
24. 01-R-0257
25. 01-R-0258
26. 01-R-0259
27. 01-R-0260
28. 01-R-0261
29. 01-R-0262
30. 01-R-0263
31. 01-R-0264
32. 01-R-0265
33. 01-R-0266
34. 01-R-0267
35. 01-R-0268
36. 01-R-0269
37. 01-R-0291
38. 01-R-0292

39. 01-R-0270
 40. 01-R-0271
 41. 01-R-0272
 42. 01-R-0273
 43. 01-R-0274
 44. 01-R-0275
 45. 01-R-0276
 46. 01-R-0277
 47. 01-R-0278
 48. 01-R-0279
 49. 01-R-0280
 50. 01-R-0281
 51. 01-R-0282
 52. 01-R-0283
 53. 01-R-0284
 54. 01-R-0285
 55. 01-R-0286
 56. 01-R-0287
 57. 01-R-0288
 58. 01-R-0289
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