

Entered - 8-31-00 - sb
CL 00L0524 - GWENDOLYN BURNS

CLAIM OF:

**NATIONWIDE MUTUAL FIRE
INSURANCE COMPANY** as subrogee of
Richard Austell
1230 Johnson Ferry Road
Suite F-10
Marietta, Georgia 30068

01- *R* -0289

For vehicular damages alleged to have been sustained as a result
inadequate street signs on April 19, 2000 at Spring Street &
Martin Luther King, Jr. Drive.

THIS ADVERSED REPORT IS
APPROVED

BY: *Robert N. Godfrey*
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

ADVERSED BY
CITY COUNCIL MAR 05 2001

ADVERSE REPORT

COM. *P.S. LA*

DATE *2/27/01*

CHM *C. t. Martin*

Michael Bond
James Stephens
Cela Henderson

CERTIFIED
MAR 05 2001
ATLANTA CITY COUNCIL PRESIDENT
Ronald J. Pitts

CERTIFIED
MAR 05 2001
Ronnie Daughin Johnson
MUNICIPAL CLERK



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

March 13, 2001

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

NATIONWIDE MUTUAL FIRE INS. CO. as
subrogee of Richard Austell
Attn: Renee Michelle Wills
1230 Johnson Ferry Road
Suite F-10
Marietta, GA 30068

01-R-0289

Dear Ms. Wills:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on March 05, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0524

Date: February 13, 2001

Claimant /Victim RICHARD AUSTELL
BY: (Atty) (Ins. Co.) Nationwide Mutual Fire Insurance Company
Address: 1230 Johnson Ferry Road, Suite F-10, Marietta, Georgia 30068
Subrogation: X Claim for Property damage \$ 7,537.67 Bodily Injury \$
Date of Notice: 8/29/00 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 4/19/00 Place: Spring Street & Martin Luther King, Jr. Drive
Department PUBLIC WORKS Division Traffic and Transportation Services
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that the City was negligent in failing to provide adequate street signs to show that Spring Street had undergone a directional change which resulted in his vehicle sustaining damage when he struck a vehicle as he attempted to make a left turn from a center lane on a one-way street. However, the operation and maintenance of street signs, markings and traffic control devices are governmental functions and the City is protected by sovereign immunity as set forth in O.C.G.A §36-33-1.

INVESTIGATION:

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

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X 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,

Gwendolyn Burns
INVESTIGATOR GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 02-15-01
Committee Action: Council Action



1230 Johnson Ferry Rd Suite F-10 * GA-10-MARI * Marietta, GA 30068

BURNS
08/29/00

August 28, 2000

City of Atlanta
Law Department
55 Trinity Ave Suite 6400
Atlanta, GA 30335

ENTERED - 8-31-00 - SB
00L0524 - GWEN BURNS

YOUR INSURED : City of Atlanta
YOUR INSURED'S ADDRESS :

55 Trinity Ave Suite 6400
Atlanta, GA 30335

YOUR POLICY NUMBER :

ACCIDENT LOCATION : N SPRING ST ATLANTA 30341DE KALB

DATE OF ACCIDENT : 04-19-2000

OUR INSURED : Richard Austell

OUR CLAIM NUMBER : 77 10 N 858562 04192000 01

We have been informed that you are the insurance carrier for City of Atlanta. Our investigation of the accident between Richard Austell & William Caldwell on April 19,2000 on Spring Street. Because the above street has undergone directional changes is the primary cause of this accident. This is now a one way street but at the time of the accident it beared double yellow lines in the center indicating travel in both directions. The street has been repainted since the accident to show that it is now a one way street.

Please accept this letter as notice of our subrogation rights.

Attached is a copy of the police report and photos of the area to support the claim. Total amount paid out as a result of this accident is \$7537.67. Breakdown for this is as follows:

Richard Austell property damage: \$2818.31; Deductible: \$250, Rental: \$320.
William Caldwell property damage: \$3119.36; Injury: \$1030.00

Payment is requested in full in the amount of \$7537.67. Thank you for your cooperation.

NATIONWIDE MUTUAL FIRE INSURANCE COMPANY
Renee' Michelle Wills
Claims Department
(770)565-4483 Ext. 226

01-R-0289
0111 - 000326-01

01-R-0289

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
Y Starnes	Y Woolard	NV Martin	Y Emmons
Y Bond	Y Morris	B Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

**ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0240
01-R-0307
01-R-0346**

CONSENT

**ITEMS ADOPTED 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

**ITEMS ADVERSED
ON CONSENT AGENDA**

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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