01- R -0681

Entered - 03/15/01 - sb
CL01L0175 - DIANNE C. MITCHELL

CLAIM OF: **CNA PERSONAL INSURANCE AS SUBROGEE OF CATHY AND EDWARD EVINS**
P. O. Box 908
Manmouth Junction, NJ 08852

CONSENT AGENDA

For damages alleged to have been sustained as a result of a vehicular accident on January 3, 2001 at 22 Walker Terrace, NE.

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 **CNA PERSONAL INSURANCE AS SUBROGEE OF CATHY AND EDWARD EVINS** the sum of **$2,000.00** 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 a vehicular accident on January 3, 2001 at 22 Walker Terrace, NE 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.

ADOPTED BY
MAY 2 1 2001
COUNCIL

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CERTIFIED
MAY 2 1 2001
COUNCIL PRESIDENT PROTEM

APPROVED
MAY 3 0 2001
WITHOUT SIGNATURE
BY OPERATION OF LAW

CERTIFIED
MAY 2 1 2001
Rhonda Dauphin Johnson
MUNICIPAL CLERK

MUNICIPAL CLERK
ATLANTA, GEORGIA

01-R-0681

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 **CNA Personal Insurance as subrogee of Cathy and Edwards Evins** in the sum of **$2,000.00** 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 **a vehicle accident on January 3, 2001 at 22 Walker Terrace, NE** 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,
Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council MAY 21, 2001
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403 MAY 30, 2001

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. **01L0175** Date: April 2, 2001

Claimant /Victim **CNA PERSONAL INSURANCE AS SUBROGEE OF CATHY AND EDWARD EVINS**
BY: (Atty)(Ins. Co.)
Address: P. O. Box 908, Monmouth, NJ 08852
Subrogation: X Claim for Property damage $ **2,733.17** Bodily Injury $
Date of Notice: 03/14/01 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 01/03/01 Place: 22 Walker Terrace, NE
Department Fire Division:
Employee involved Demetrius L. Houston Disciplinary Action: 12 Hour Suspension

NATURE OF CLAIM: The driver of the City vehicle misjudged his clearance and struck the claimant's vehicle causing damages in the above amount.

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 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,

INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay $ **2,000.00** Adverse Account charged: 1A01 X 2J01 2H01
Claims Manager: Concur/date 03-02-01
Committee Action: Council Action

FORM 23-61

Exp # 7452

M Mitchell 03/14/01

CNA PERSONAL INSURANCE

www.cnaperins.com

Subrogation Center, P.O. Box 908, Monmouth Junction, NJ 08852

Charlene Neal
Subro Claims Rep
Telephone (732) 398-4139
(800) 260-1454 x4139
Facsimile (732) 398-5009
Internet charlene.neal@encompassins.com

ENTERED - 3-15-01 - SB
01L0175 - DIANNE MITCHELL

March 1, 2001

CITY OF ATLANTA
ACCIDENT REVIEW BOARD
23 CLAIR DR.
ATLANTA , GA. 30315

Our Claim Number: P8138285 BF
Your Reference Number: .
Your Insured: City of Atlanta
Our Insured: Cathy & Edward Evins
Location of Loss: Atlanta, GA
Date of Loss: 01/03/2001
Insuring Company: Continental Ins Co

Dear Mr. Cox :

This letter is formal notice of our subrogation rights with regards to the above captioned matter. Our investigation indicates that liability rests with your insured.

We have enclosed all supporting documentation substantiating our subrogation demand in the amount of $2,733.17 which includes our insured's 250 deductible. Please include our claim number on your check made payable to Continental Ins Co as subrogee of Cathy & Edward Evins.

If you should have any questions, please contact the undersigned. Thank you for your cooperation

Very truly yours,

Charlene Neal

Enc: File Documentation

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER **01L0175** $ **2,000.00**

IN CONSIDERATION of the sum of **TWO THOUSAND AND NO/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 **Demetrius L. Houston**, 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 **3rd** day of **December**, **2001**,

at or near **22 Walker Terrace, NE**.

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 27th day of March, 2001.

Charlene Neal (LS)
CNA PERSONAL INSURANCE AS
SUBROGEE OF CATHY AND EDWARD EVINS

The above release was read and explained to, and signed by the said _____

_____ in our presence on the date above written.

Shirley Evins

Witnesses

SHIRLEY ANN LEWIS
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES NOV. 12, 2002

01- -0681

President Pro Tem Bond Presided

RCS# 2865
5/21/01
1:48 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 16

ADOPT

YEAS:	12
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	2
EXCUSED:	0
ABSENT	2

SEE ATTACHED LISTING OF ITEMS ADOPTED/ADVERSED ON CONSENT AGENDA

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

ITEM (S) REMOVED FROM <u>CONSENT AGENDA</u>
01-O-0721
01-O-0752
01-O-0753
01-O-0494
01-O-0712
01-R-0763
01-R-0765

CONSENT

ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 01-O-0582	41. 01-R-0757	61. 01-R-0685
2. 01-O-0583	42. 01-R-0698	62. 01-R-0686
3. 01-O-0584	43. 01-R-0699	63. 01-R-0687
4. 01-O-0585	44. 01-R-0700	64. 01-R-0688
5. 01-O-0586	45. 01-R-0764	65. 01-R-0689
6. 01-O-0587	46. 01-R-0649	66. 01-R-0690
7. 01-O-0742	47. 01-R-0658	67. 01-R-0691
8. 01-O-0748	48. 01-R-0659	68. 01-R-0692
9. 01-O-0715	49. 01-R-0661	69. 01-R-0693
10. 01-O-0723	50. 01-R-0662	70. 01-R-0694
11. 01-O-0751	51. 01-R-0673	71. 01-R-0695
12. 01-O-0754	52. 01-R-0677	72. 01-R-0697
13. 01-O-0755	53. 01-R-0678	73. 01-R-0761
14. 01-O-0756	54. 01-R-0679	74. 01-R-0762
15. 01-O-0106	55. 01-R-0680	
16. 01-O-0495	56. 01-R-0681	
17. 01-O-0496	57. 01-R-0682	
18. 01-O-0497	58. 01-R-0683	
19. 01-O-0498	59. 01-R-0760	
20. 01-O-0567	60. 01-R-0684	
21. 01-O-0568		
22. 01-O-0569		
23. 01-O-0616		
24. 01-O-0638		
25. 01-O-0643		
26. 01-O-0665		
27. 01-O-0716		
28. 01-O-0759		
29. 01-R-0667		
30. 01-R-0669		
31. 01-R-0670		
32. 01-R-0656		
33. 01-R-0675		
34. 01-R-0676		
35. 01-R-0725		
36. 01-R-0744		
37. 01-R-0750		
38. 01-R-0758		
39. 01-R-0456		
40. 01-R-0654		