

Entered - 01/19/01 - sb  
CL 01L0049 - GWENDOLYN BURNS

CLAIM OF: CHARLES B. SMALLWOOD  
through his attorney  
SOBELL & FOY, P.C.  
1750 Peachtree St., NW, Suite 201  
Atlanta, Georgia 30309

01-R -0684

For vehicular damages alleged to have been sustained as a result of a vehicular accident on November 3, 2000 at 1079 North Avenue, NE.

CONSENT AGENDA

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 **CHARLES B. SMALLWOOD through his attorney SOBELL & FOY, P.C.**, the sum of **\$2,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained as a result of a vehicular accident on November 3, 2000 at 1079 North Avenue, 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.

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY *Robert A. G. DeA*

ADOPTED BY  
MAY 2 1 2001  
COUNCIL

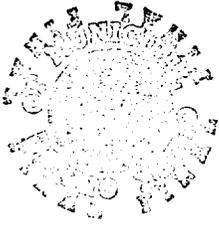
CERTIFIED  
MAY 3 1 2001  
*Rhonda Daughin Johnson*  
MUNICIPAL CLERK

CERTIFIED  
MAY 2 1 2001  
*Markham Protem*  
COUNCIL PRESIDENT PROTEM

APPROVED

MAY 3 0 2001

WITHOUT SIGNATURE  
BY OPERATION OF LAW



**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**01-R-0684**

**A RESOLUTION**

**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 **Charles B. Smallwood, through his attorneys, Sobell & Foy, P.C.** 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 vehicular accident on November 3, 2000 at 1079 North Avenue, 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  
**RETURNED WITHOUT SIGNATURE OF THE MAYOR**  
**APPROVED** as per City Charter Section 2-403

MAY 21, 2001

MAY 30, 2001

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0049

Date: May 4, 2001

Claimant /Victim CHARLES SMALLWOOD
BY: (Atty) (Ins. Co.) John M Foy, SOBELL & FOY, P.C.
Address: 1750 Peachtree Street, NW, Suite 201, Atlanta, Georgia 30309
Subrogation: Claim for Property damage \$ 1,768.03 Bodily Injury \$ 3,430.00
Date of Notice: 12/22/00 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/3/00 Place: 1079 North Avenue
Department PARK, RECREATION & CULTURAL AFFAIRS Division Parks
Employee involved Cecelia B. Scott Disciplinary Action: 3-month driving suspension

NATURE OF CLAIM: Claimant's vehicle sustained damage when it was rear ended by a city vehicle that was "following too closely". The 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 \$ 2,000.00 Adverse Account charged: 1A01 X 2J01 2H01
Claims Manager: Concur/date
Committee Action: Council Action

BURNS  
01/18/01

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: 12-14-2000

Dear Municipal Clerk:

ENTERED - 1-19-01-SB  
01L0049 - GWEN BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1768.03 property and/or \$ 5000.00 bodily injury for which I contend the City is liable. over \$6000.00

1. Date of incident: NOV. 3 2000 2. Time of Incident: 2:50 PM 3. Police called:  Yes  No

4. Location of incident (including street address): 1079 North Ave at North Highland ATL

5. Name of your insurance company: THE HART FORD Policy No. 17PH224774

6. State what and how incident occurred: I was stopped in traffic and was hit from behind - I don't agree with police report - If you look at body damages to all 3 vehicles - City vehicle hit a Bronco that hit me

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 F150 XLT 2000 296XEP CHARLES SMALLWOOD  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: Ford Ceceilia B. Scott Tag 149095 Parks Recreation  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: STANLEY EVANS 4107 Stacy Ln 678-344 6159  
(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.

Charles B. Smallwood  
Signature of Claimant

CHARLES B. SMALLWOOD  
(Print Claimant's Name)  
6584 Bent Creek DR.  
(Address)  
REX, GA 30273  
(City, State and Zip Code)  
678-516-0019 678-289-8911  
(Work Number) (Home Number)

missed lose wages  
over 2 weeks work

Accident # 00308450

Preced EAST HALL  
APR 000000

Still going to Doctors

**GENERAL RELEASE AND INDEMNIFICATION**

CLAIM NUMBER 01L0049

\$ 2,000.00

IN CONSIDERATION of the sum of TWO THOUSAND DOLLARS AND NO/100 DOLLARS, to be paid 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 Cecelia B. Scott 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 November, 2000, at or near 1079 North Avenue, 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 12<sup>th</sup> day of April, 2001

Charles B. Smallwood (LS)

Charles B. Smallwood

John M. Foy (LS)  
John M. Foy, Attorney for the claimant

The above release was read and explained to, and signed by the said \_\_\_\_\_ in our presence on the date above written.

Bardie L. Mann  
WITNESSES

*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  
CONSENT AGENDA

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
2. 01-O-0583
3. 01-O-0584
4. 01-O-0585
5. 01-O-0586
6. 01-O-0587
7. 01-O-0742
8. 01-O-0748
9. 01-O-0715
10. 01-O-0723
11. 01-O-0751
12. 01-O-0754
13. 01-O-0755
14. 01-O-0756
15. 01-O-0106
16. 01-O-0495
17. 01-O-0496
18. 01-O-0497
19. 01-O-0498
20. 01-O-0567
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

41. 01-R-0757
42. 01-R-0698
43. 01-R-0699
44. 01-R-0700
45. 01-R-0764
46. 01-R-0649
47. 01-R-0658
48. 01-R-0659
49. 01-R-0661
50. 01-R-0662
51. 01-R-0673
52. 01-R-0677
53. 01-R-0678
54. 01-R-0679
55. 01-R-0680
56. 01-R-0681
57. 01-R-0682
58. 01-R-0683
59. 01-R-0760
60. 01-R-0684

61. 01-R-0685
  62. 01-R-0686
  63. 01-R-0687
  64. 01-R-0688
  65. 01-R-0689
  66. 01-R-0690
  67. 01-R-0691
  68. 01-R-0692
  69. 01-R-0693
  70. 01-R-0694
  71. 01-R-0695
  72. 01-R-0697
  73. 01-R-0761
  74. 01-R-0762
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