

CITY COUNCIL
ATLANTA, GEORGIA

02-R-1333

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$2,420.11 IN SETTLEMENT OF THE CLAIM
OF JOHN, JEAN, AND NATALIE DANNA, AGAINST THE
CITY OF ATLANTA**

WHEREAS, JOHN, JEAN AND NATALIE DANNA have filed a claim against the City of Atlanta seeking damages arising out of vehicular damages sustained when their vehicle was struck by the driver of a City vehicle; and

WHEREAS, on June 5, 2002 the claimants' vehicle was being driven on Defoors Avenue, NW when it was struck by the driver of a City vehicle who failed to yield the right-of-way; and

WHEREAS, the bureau of Solid Waste Services performs ministerial functions and therefore this claim is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

WHEREAS, the claimants have asserted damages in the amount of \$2,420.11 have agreed to accept the sum in full and complete satisfaction and settlement of their claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of **JOHN, JEAN AND NATALIE DANNA** be settled for the sum of \$2,420.11.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$2,420.11 be paid by the City of Atlanta in satisfaction of any and all claims **JOHN, JEAN AND NATALIE DANNA** may have stemming from vehicle damages sustained by them on or about June 5, 2002 at 1910 Defoors Avenue, NW.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above-mentioned sum from account number 2P01/529017/T33301.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

AUG 19, 2002
AUG 26, 2002

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0461

Date: 07/17/02

Claimant /Victim JOHN, JEAN, AND NATALIE DANNA

BY: (Atty)

Address: 130 Saddle Bridge Drive Alpharetta, Georgia 30022

Subrogation: Claim for Property damage \$ 2,420.11 Bodily Injury \$

Date of Notice: 06/19/02 Method: Written, proper X Improper

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

Date of Occurrence 06/05/02 Place: Decatur Street at Boulevard, SE

Department Public Works Division: Solid Waste Services

Employee involved Anita B. Warren Disciplinary Action: Pending

NATURE OF CLAIM: The claimants' sustained damages in the above amount when their vehicle was struck by a driver of a City vehicle who "failed to yield to right-of-way," causing damages in the above amount.

INVESTIGATION:

Statements: City employee X Claimant X Other X Written Oral

Pictures Diagrams X Reports: Police X Dept Report X Other

Traffic citations issued: City Driver X Claimant Driver

Citation disposition: City Driver Guilty 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,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ 2,420.11 Adverse Account charged: 1A01 2J01 2H01 2P01 X

Claims Manager: Concur/date 07-19-02

Committee Action: Council Action

Holmes
06/20/02

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RECEIVED

RE: CLAIM FOR DAMAGES
Today's Date: 06-18-2002

JUN 19 2002

ENTERED - 7-1-02 - SB
02L0461 - ALEXIS HOLMES

MUNICIPAL CLERK

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 2,164.55 property and/or \$ 0 bodily injury for which I contend the City is liable. *plus \$255 56 5 day rental car*

1. Date of incident: 06-05-2002 2. Time of Incident: 10:05 AM 3. Police called: X
(month/day/year) Yes No

4. Location of incident (including street address): 1910 DEFOORS AVE NW

5. Name of your insurance company: GRANGE MUTUAL Policy No. FA 5690050-16

6. State what and how incident occurred: HONDA WAS EAST BOUND ON DEFOORS AVE APPROXIMATELY RHOMBOLD ST. AND GARBAGE TRUCK TURNED WITHOUT YIELDING INTO A PRIVATE DRIVE. GARBAGE TRUCK WAS CITED FOR FAILURE TO YIELD.

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:	<u>HONDA</u>	<u>1990</u>	<u>876 TRE</u>	<u>NATALIE J. DANNA</u>
	(Make)	(Year)	(Tag Number)	(Driver's Name)
City vehicle:	<u>ISUZU</u>	<u>ANITA B. WARREN</u>		
	(Make)	(City Driver's Name)		(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. Claims must be received within 6 months of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

John M. Danna
Signature of Claimant

JOHN MICHAEL DANNA
(Print Claimant's Name)

130 SADDLE BRIDGE DRIVE
(Address)

ALPHARETTA GA 30022
(City, State and Zip Code)

(770) 416-8554 (770) 667-2198
(Work Number) (Home Number)

08/19/02 Council Meeting

**ITEMS ADOPTED ON CONSENT
AGENDA**

**ITEMS ADVERSED
ON CONSENT AGENDA**

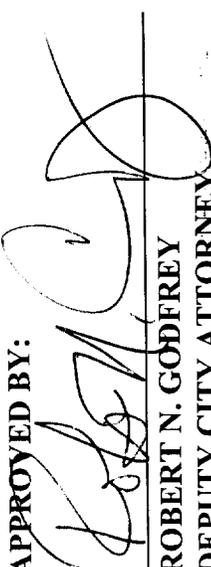
1. 02-O-1181
2. 02-O-1221
3. 02-O-1222
4. 02-O-1282
5. 02-O-1300
6. 02-O-1245
7. 02-O-1293
8. 02-O-1294
9. 02-O-1223
10. 02-O-1220
11. 02-O-1289
12. 02-O-1291
13. 02-O-1273
14. 02-O-1224
15. 02-O-1232
16. 02-O-1233
17. 02-O-1287
18. 02-R-1362
19. 02-R-1283
20. 02-R-1288
21. 02-R-1334
22. 02-R-1279
23. 02-R-1331
24. 02-R-1332
25. 02-R-1333
26. 02-R-1338
27. 02-R-1349
28. 02-R-1350
29. 02-R-1348
30. 02-R-1303
31. 02-R-1304
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52. 02-R-1325
53. 02-R-1326
54. 02-R-1327
55. 02-R-1328
56. 02-R-1329
57. 02-R-1330

1st Consent I Vote: 13Yeas; 0 Nays (See RCS #3910)
Items Removed from Consent: 02-O-1290; 02-O-1213; 02-R-1345; 02-O-1272

02-1333
 (Do Not Write Above This Line)

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 PURPOSES

APPROVED BY:

ROBERT N. GODFREY
 DEPUTY CITY ATTORNEY

ADOPTED BY

- 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 Vice Chair
 Referred to _____

Committee PLA
 Date 7/30/02
 Chair Vice Chair
 Action: _____
 Fav. Adv, Hold (see rev. side) _____
 Other: _____
 Members Metzger
Carla

Committee _____
 Date _____
 Chair _____
 Action: _____
 Fav. Adv, Hold (see rev. side) _____
 Other: _____
 Members _____

FINAL COUNCIL ACTION
 2nd
 1st & 2nd
 3rd
 Readings
 Consent
 V Vote
 RC Vote

CERTIFIED

CERTIFIED
 AUG 19 2002
 ATLANTA CITY COUNCIL PRESIDENT
Catherine W. Woodard

CERTIFIED
 AUG 19 2002
Rachel Douglas Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION

Mayor Frank
 AUG 26 2002
 MAYOR