

Entered - 01/09/03 - sb  
CL03L0017 - DIANNE C. MITCHELL

CLAIM OF: STATE FARM INSURANCE COMPANIES AS  
SUBROGEE OF CYNTHIA MORRIS  
P. O. box 100061  
Duluth, Georgia 30096-9361

03- R -0327

ADOPTED BY  
MAR 17 2003  
COUNCIL

For damages alleged to have been sustained as a result of vehicular damage due to driving over a pothole on November 16, 2002 at 425 North Avenue, NW.

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 STATE FARM INSURANCE COMPANIES AS SUBROGEE OF CYNTHIA MORRIS the sum of \$2,154.49 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 vehicular damage due to driving over a pothole on November 16, 2002 at 425 North Avenue, NW 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: LINDA K. DISANTIS  
CITY ATTORNEY

BY:   
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

FAVORABLE REPORT

COMM: Public Safety

DATE: 3/13/03

CHAIR: [Signature]

[Signature]

[Signature]

[Signature]

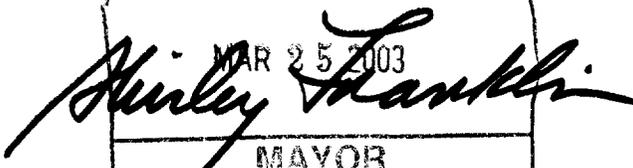
[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

APPROVED  
MAR 25 2003  
  
MAYOR

CERTIFIED  
MAR 17 2003  
ATLANTA CITY COUNCIL PRESIDENT  


CERTIFIED  
MAR 17 2003  
Ruth Dunbar  
MUNICIPAL CLERK



**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

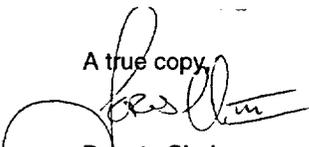
**03-R-0327**

**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 **State Farm Insurance Companies as subrogee of Cynthia Morris** in the sum of **\$2,154.49** 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 damage due to driving over a pothole on November 16, 2002 at 425 North Avenue, NW** 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,



Deputy Clerk

**ADOPTED** by the City Council  
**APPROVED** by the Mayor

March 17, 2003  
March 25, 2003

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0017

Date: February 26, 2003

Claimant/Victim STATE FARM INSURANCE COMPANIES AS SUBROGEE OF CYNTHIA MORRIS

BY: (Atty)(Ins. Co.) \_\_\_\_\_

Address: P. O. Box 100061, Duluth, Georgia 30096-9361

Subrogation:  Claim for Property damage \$ 2,154.49 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 01/02/03 Method: Written, proper  Improper \_\_\_\_\_

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

Date of Occurrence 11/16/02 Place: 425 North Avenue, NW

Department Public Works Bureau: Highways and Streets

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant damaged her vehicle when she drove over a pothole causing damages in the above amount. The investigation determined that the City was on notice of this hazard prior to the claimant's incident.

INVESTIGATION:

Statements: City employee  Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral

Pictures  Diagrams \_\_\_\_\_ Reports: Police  Dept Report \_\_\_\_\_ Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

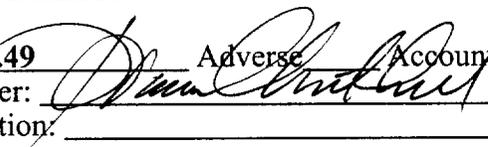
Claimant Negligent \_\_\_\_\_ City Negligent  Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 2,154.49 Adverse  Account charged: 1A01  2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_ 2P01 \_\_\_\_\_

Claims Manager:  Concur/date 02-26-03

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_



---

**3/17/03 FULL COUNCIL MEETING**

---

**Items Adopted on the  
Consent Agenda**

1. 03-O-0408
2. 03-O-0392
3. 03-O-0305
4. 03-O-0380
5. 03-O-0388
6. 03-O-0234
7. 03-O-0228
8. 03-O-0229
9. 03-O-0385
10. 03-O-0386
11. 03-R-0348
12. 03-R-0349
13. 03-R-0351
14. 03-R-0352
15. 03-R-0597
16. 03-R-0353
17. 03-R-0354
18. 03-R-0190
19. 03-R-0346
20. 03-R-0361
21. 03-R-0417
22. 03-R-0356
23. 03-R-0357
24. 03-R-0358
25. 03-R-0370
26. 03-R-0371
27. 03-R-0372
28. 03-R-0373
29. 03-R-0374
30. 03-R-0383
31. 03-R-0387
32. 03-R-0325
33. 03-R-0326
34. 03-R-0327
35. 03-R-0328

**Items Adversed on the Consent  
Agenda**

36. 03-R-0329
37. 03-R-0330
38. 03-R-0331
39. 03-R-0332
40. 03-R-0333
41. 03-R-0334
42. 03-R-0335
43. 03-R-0347
44. 03-R-0415
45. 03-R-0336
46. 03-R-0337
47. 03-R-0338
48. 03-R-0339
49. 03-R-0340
50. 03-R-0341
51. 03-R-0342
52. 03-R-0343
53. 03-R-0344
54. 03-R-0345

---

Consent I Vote: 12Yeas; 0 Nays: (See RCS #4538)  
Items Removed from the Consent Agenda: 03-O-0219; 03-O-0323; 03-O-0220; &  
03-O-0221