



A RESOLUTION

BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$7,429.15 IN SETTLEMENT OF THE CLAIM
OF UNITED SERVICES AUTOMOBILE ASSOCIATION AS
SUBROGEE OF DONALD N. MYERS AGAINST THE CITY
OF ATLANTA AND FOR OTHER PURPOSES**

WHEREAS, United Services Automobile Association as subrogee of Donald N. Myers, has filed a claim against the City of Atlanta seeking damages arising out of a collision with a vehicle operated by an employee of the Department of Police; and

WHEREAS, the collision occurred as a result of the City employee failing to yield right-of-way and colliding with Mr. Myer's vehicle; and

WHEREAS, the insurance carrier has asserted damages to its insured in the amount of \$7,429.15 and has agreed to accept this amount in full and complete satisfaction and settlement of its subrogation claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of United Services Automobile Association as subrogee of Donald N. Myers, be settled for the sum of \$7,429.15.

WHEREAS, the Council of the City of Atlanta had previously adopted a recommendation to settle this claim on April 19, 2004 in the amount of \$5,430.48, subsequently, the claimant's insurance carrier determined that its insured's vehicle was a total loss thus increasing the amount it paid to its insured to \$7,429.15.

THEREFORE, BE IT RESOLVED that Resolution 04-R-0580 be hereby rescinded.

BE IT FURTHER RESOLVED that the Council of the City of Atlanta, Georgia that \$7,429.15 be paid by the City of Atlanta in satisfaction of any and all claims United Services Automobile Association as subrogee of Donald N. Myers, may have stemming from damages sustained due to a motor vehicle collision on or about January 5, 2004 at Boulevard, NE and Freedom Parkway, NE.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 1A01/529017/T31001.

A true copy,

Phonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

JUN 07, 2004
JUN 14, 2004

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0067

Date: May 18, 2004

Claimant /Victim UNITED SERVICES AUTOMOTIVE ASSOCIATION as subrogee of Donald N. Myers

BY: (Atty) (Ins. Co.) _____

Address: 9800 Fredericksburg Road San Antonio, Texas 78288

Subrogation: X Claim for Property damage \$ 7,429.15 Bodily Injury \$ _____

Date of Notice: 01/27/04 Method: Written, proper X Improper _____

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

Date of Occurrence 01/05/04 Place: Boulevard, NE and Freedom Parkway, NE

Department Police Services Bureau: _____ Division: _____

Employee involved Carmen Wood Disciplinary Action: No Action Taken

NATURE OF CLAIM: The driver of a city vehicle failed to yield right-of-way while making a left turn striking the claimant's vehicle causing damages in the above amount.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures X 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 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,

Lisa Carter

INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ 7,429.15 Adverse X Account charged: 1A01 X 2J01 _____ 2H01 _____

Claims Manager: [Signature] Concur/date _____

Committee Action: _____ Council Action _____

		6-07-04 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-0802	43. 04-R-1023	83. 04-R-0975
2. 04-O-0803	44. 04-R-1024	84. 04-R-0976
3. 04-O-0804	45. 04-R-1025	85. 04-R-0977
4. 04-O-0877	46. 04-R-0979	86. 04-R-0978
5. 04-O-0930	47. 04-R-0980	
6. 04-O-0924	48. 04-R-0981	
7. 04-O-0929	49. 04-R-0982	
8. 04-O-0787	50. 04-R-0983	
9. 04-O-0654	51. 04-R-0984	
10. 04-O-0655	52. 04-R-0985	
11. 04-O-0817	ITEMS ADVERSED	
12. 04-O-0818	ON CONSENT	
13. 04-O-0819	53. 04-R-0944	
14. 04-O-0820	54. 04-R-0945	
15. 04-O-0939	55. 04-R-0946	
16. 04-R-1002	56. 04-R-0947	
17. 04-R-1003	57. 04-R-0948	
18. 04-R-1004	58. 04-R-0949	
19. 04-R-1005	59. 04-R-0950	
20. 04-R-1010	60. 04-R-0951	
21. 04-R-1011	61. 04-R-0952	
22. 04-R-1012	62. 04-R-0953	
23. 04-R-1015	63. 04-R-0954	
24. 04-R-0935	64. 04-R-0955	
25. 04-R-1008	65. 04-R-0956	
26. 04-R-1000	66. 04-R-0957	
27. 04-R-1001	67. 04-R-0958	
28. 04-R-0942	68. 04-R-0959	
29. 04-R-0927	69. 04-R-0960	
30. 04-R-0943	70. 04-R-0962	
31. 04-R-1019	71. 04-R-0963	
32. 04-R-0635	72. 04-R-0964	
33. 04-R-0989	73. 04-R-0965	
34. 04-R-0991	74. 04-R-0966	
35. 04-R-0993	75. 04-R-0967	
36. 04-R-0814	76. 04-R-0968	
37. 04-R-0926	77. 04-R-0969	
38. 04-R-0994	78. 04-R-0970	
39. 04-R-0995	79. 04-R-0971	
40. 04-R-0996	80. 04-R-0972	
41. 04-R-0997	81. 04-R-0973	
42. 04-R-0998	82. 04-R-0974	

04-R-0943
(Do Not Write Above This Line)

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SERVICES AUTOMOBILE ASSOCIATION AS
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AGAINST THE CITY OF ATLANTA AND FOR
OTHER PURPOSES

APPROVED BY:

JERRY L. DELDASH
DEPUTY CITY ATTORNEY

ADOPTED BY

JUN 07 2004

COUNCIL

- 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 _____
Referred To _____

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Members

Refer To

6/1/04
P. Blair
C. T. Marks
C. L. Smith
M. L. Miller
M. J. Leonard

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Members

Refer To

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

CERTIFIED

CERTIFIED
JUN 07 2004
MAYOR'S ACTION

CERTIFIED
JUN 07 2004
MAYOR'S ACTION

MAYOR'S ACTION

APPROVED
JUN 14 2004

MAYOR