

04-R-1616

A RESOLUTION

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF \$27,103.74 IN SETTLEMENT OF THE CLAIM OF PRUDENTIAL PROPERTY AND CASUALTY INSURANCE COMPANY AS SUBROGEE OF SARA LUE STEPHENS AGAINST THE CITY OF ATLANTA TO BE CHARGED TO AND PAID FROM ACCOUNT NUMBER 2P01 (Solid Waste Services) 529017 (Property Liquidation) T31001(Non-Departmental)

WHEREAS, Sara Lue Stephens, through her insurance carrier, Prudential Property and Casualty Insurance Company has filed a claim against the City of Atlanta seeking reimbursement for damages occurring as a result of an accident on February 5, 2004 at 1699 Mill Acres Road; and

WHEREAS, the accident occurred when the operator of a Bureau of Solid Waste Services truck failed to set the parking brake when he exited the truck to assist in the emptying of the Herbie-Curbies on Mill Acres Road; and

WHEREAS, as a consequence the City truck rolled across the yards of two homes before crashing into the claimant's home located at 1699 Mill Acres Road; 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 claimant, through her insurance carrier, has asserted damages in the amount of \$27,103.74 and has agreed to accept this sum in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of Prudential Property and Casualty Insurance Company as subrogee of Sara Lue Stephens be settled for the sum of \$27,103.74.

THEREFORE, BE IT RESOLVED by the Council of the City of Atlanta, Georgia that \$27,103.74 be paid by the City of Atlanta in satisfaction of any and all claims Prudential Property and Casualty Insurance Company as subrogee of Sara Lue Stephens may have stemming from damages sustained to her property located at 1699 Mill Acres Road on or about February 5, 2004.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and is hereby authorized to pay the above mentioned sum from account number 2P01 (Solid Waste Services) 529017 (Property Liquidation) T31001(Non-Departmental).

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

SEP 20, 2004
SEP 28, 2004

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0241

Date: September 2, 2004

Claimant /Victim PRUDENTIAL PROPERTY AND CASUALTY INSURANCE COMPANY AS SUBROGEE OF SARA LUE STEPHENS
Address: P. O. Box 945901, Maitland, Florida 32794-5901
Subrogation: Claim for Property damage \$ 27,103.74 Bodily Injury \$
Date of Notice: 03/01/04 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)
Date of Occurrence 02/05/04 Place: 1699 Mill Acres Road
Department Public Works Bureau: Solid Waste Services
Employee involved Ashly B. Render Disciplinary Action: Terminated

NATURE OF CLAIM: The driver of the City vehicle failed to set the parking brake when he exited the City vehicle to assist in the emptying of the Herbie-Curbies at the above location. As a consequence, the vehicle rolled across the yards of two homes before crashing into the claimant's home 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

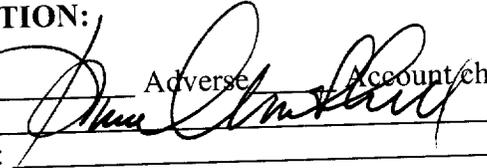
BASIS OF RECOMMENDATION:

Function: Governmental 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,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 27,103.74 Adverse Account charged: 1A01 2J01 2H01 2P01 X
Claims Manager:  Concur/date 9/5/04
Committee Action: Council Action

		9-20-04 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1500	41. 04-R-1575	62. 04-R-1608
2. 04-O-1501	42. 04-R-1576	63. 04-R-1609
3. 04-O-1502	43. 04-R-1578	64. 04-R-1610
4. 04-O-1503	44. 04-R-1579	65. 04-R-1611
5. 04-O-1504	45. 04-R-1633	66. 04-R-1612
6. 04-O-1505	46. 04-R-1653	67. 04-R-1614
7. 04-O-1631	47. 04-R-1593	68. 04-R-1615
8. 04-O-1508	48. 04-R-1594	
9. 04-O-1513	49. 04-R-1595	
10. 04-O-0165	50. 04-R-1596	
11. 04-O-1253	51. 04-R-1597	
12. 04-O-1255	52. 04-R-1598	
13. 04-O-1256	53. 04-R-1599	
14. 04-O-1259	54. 04-R-1600	
15. 04-O-1431	55. 04-R-1601	
16. 04-O-1442	56. 04-R-1602	
17. 04-O-1479	57. 04-R-1603	
18. 04-O-1480	58. 04-R-1604	
19. 04-O-1551	59. 04-R-1605	
20. 04-O-1552	60. 04-R-1606	
21. 04-O-1554	61. 04-R-1607	
22. 04-O-1625		
23. 04-O-1627		
24. 04-O-0770		
25. 04-R-1566		
26. 04-R-1568		
27. 04-R-1569		
28. 04-R-1630		
29. 04-R-1635		
30. 04-R-1650		
31. 04-R-1571		
32. 04-R-1632		
33. 04-R-1590		
34. 04-R-1616		
35. 04-R-1580		
36. 04-R-1581		
37. 04-R-1583		
38. 04-R-1584		
39. 04-R-1585		
40. 04-R-1574		

04-R-1616

(Do Not Write Above This Line)

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SEP 20 2004

APPROVED BY:

COUNCIL

Jerry L. DeLoach
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

- 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 <i>PILA</i>	Committee
Date <i>9/14/04</i>	Date
Chair <i>[Signature]</i>	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other:	Other:
Members <i>[Signature]</i>	Members
Refer To	Refer To

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

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

CERTIFIED

CERTIFIED
SEP 20 2004
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

MAYOR'S ACTION

APPROVED
[Signature]
SEP 28 2004
MAYOR