

04-R-0398

(Do Not Write Above This Line)

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE THE CASE OF PROGRESSIVE BAYSIDE INSURANCE COMPANY AS SUBROGEE OF RODNEY PARKS VS. CITY OF ATLANTA. IN THE MAGISTRATE COURT OF FULTON COUNTY, CIVIL ACTION FILE NO. 03MS033131, IN THE AMOUNT OF \$2,000.00; AND FOR OTHER PURPOSES

Jerry L. Delgado
Deputy City Attorney

COUNCIL

ADOPTED BY

MAR 15 2004

- 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 _____

PLV Committee

3-4-04 Date

Chair

Action Fav, Adv, Hold (see rev. side)

Other

Members

Refer To _____

Committee _____

Date _____

Chair _____

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To _____

Second Reading

Committee _____

Date _____

Chair _____

Action Fav, Adv, Hold (see rev. side)

Other

Members

Refer To _____

Committee _____

Date _____

Chair _____

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To _____

FINAL COUNCIL ACTION

2nd

1st & 2nd

3rd

Readings

Consent

V Vote

RC Vote

CERTIFIED

MAR 15 2004

MAR 15 2004

MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

MAR 23 2004

MAYOR

A RESOLUTION
BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE THE CASE OF PROGRESSIVE BAYSIDE INSURANCE COMPANY AS SUBROGEE OF RODNEY PARKS V. CITY OF ATLANTA, IN THE MAGISTRATE COURT OF FULTON COUNTY, CIVIL ACTION FILE NO. 03MS033131, IN THE AMOUNT OF \$2,000.00; AND FOR OTHER PURPOSES.

WHEREAS, on November 1, 2002, Atlanta Police Department Officer Timothy Rowe, while operating a City of Atlanta motor vehicle, was involved in a collision with the motor vehicle being operated by Rodney Parks; and

WHEREAS, as a result of the collision Rodney Parks suffered property damages to his vehicle in the approximate amount of \$5,315.00; and

WHEREAS, pursuant to the terms of Rodney Parks's insurance coverage policy, Progressive Bayside Insurance Company paid to Mr. Parks \$5,224.50 in property damage and \$160.00 in rental expenses; and

WHEREAS, Progressive Bayside Insurance Company, as subrogee of Rodney Parks, has brought suit against the City of Atlanta in the Magistrate Court of Fulton County, under Civil Action File No. 03MS033131; and

WHEREAS, the said lawsuit alleges that the City of Atlanta is liable for damages resulting from its negligence in the amount of \$5,222.50, as well as penalties and attorney's fees pursuant to O.C.G.A. §33-4-7; and



WHEREAS, counsel for the parties have tentatively agreed to resolve all claims in this matter for a total of \$2,000.00, including attorney's fees, contingent upon the approval of the Council of the City of Atlanta and the Mayor; and

WHEREAS, by this settlement the City of Atlanta admits no liability or wrongdoing; and

WHEREAS, the offer of settlement acceptable to Plaintiff is, in the opinion of the City Attorney, appropriate to settle all claims against the City of Atlanta arising out of the case of Progressive Bayside Insurance Company as Subrogee of Rodney Parks v. City of Atlanta.

THE CITY COUNCIL OF THE CITY OF ATLANTA, HEREBY RESOLVES that the City Attorney is hereby authorized to settle the case of Progressive Bayside Insurance Company as Subrogee of Rodney Parks v. City of Atlanta in the amount of Two Thousand Dollars (\$2,000.00).

THE CITY COUNCIL FURTHER RESOLVES that the Chief Financial Officer is authorized to pay the total of Two Thousand Dollars (\$2,000.00) at the direction of the City Attorney from the account of 1A01-529017-T31001, "Settlement of Suits and Claims." Payment shall be in the form of a check in the amount of \$2,000.00, payable to Progressive Bayside Insurance Company and Shur, McDuffie, Williams & Morgan, Attorneys at Law. Such payment will be in full consideration of the dismissal of all claims against the City of Atlanta and its current and former officers, employees, and agents.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

March 15, 2004
March 23, 2004

WHEREAS, counsel for the parties have tentatively agreed to resolve all claims in this matter for a total of \$2,000.00, including attorney's fees, contingent upon the approval of the Council of the City of Atlanta and the Mayor; and

WHEREAS, by this settlement the City of Atlanta admits no liability or wrongdoing; and

WHEREAS, the offer of settlement acceptable to Plaintiff is, in the opinion of the City Attorney, appropriate to settle all claims against the City of Atlanta arising out of the case of Progressive Bayside Insurance Company as Subrogee of Rodney Parks v. City of Atlanta.

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