

10-R-1537

(Do Not Write Above This Line)

A RESOLUTION

AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF STATE FARM MUTUAL AUTOMOTIVE INSURANCE COMPANY a/s/o of JENNIFER HEIZER v. CITY OF ATLANTA, CIVIL ACTION FILE NO. 2009EV008388A, PENDING IN FULTON COUNTY STATE COURT, IN THE AMOUNT OF \$1,000.00; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND 1001 (GENERAL FUND), ACCOUNT 200101 (LITIGATION EXPENSES) and CENTER NUMBER 5212005 (NON-DEPARTMENTAL) and 1512000 (FUNCTIONAL ACTIVITY NUMBER) AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

APPROVED BY:

JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

ADOPTED BY

SEP 07 2010

COUNCIL

SUBSTITUTE

- 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 \_\_\_\_\_

PSLA Committee  
 8/31/10 Date  
 Chair  
 Action  
 Fav, Adv, Hold (see rev. side)  
 Other Substitute  
 Members  
 Refer To

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

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

CERTIFIED  
 SEP 07 2010  
 ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED  
 SEP 07 2010  
 Randa Douglas Johnson  
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

SEP 16 2010

WITHOUT SIGNATURE  
BY OPERATION OF LAW



A RESOLUTION  
AS SUBSTITUTED

10-R-1537

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF STATE FARM MUTUAL AUTOMOTIVE INSURANCE COMPANY *a/s/o of JENNIFER HEIZER v. CITY OF ATLANTA*, CIVIL ACTION FILE NO. 2009EV008388A, PENDING IN FULTON COUNTY STATE COURT, IN THE AMOUNT OF \$1,000.00; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND 5051 (WATER & SEWER CENTER NUMBER), 170201 (DEPARTMENTAL), 5750002 (ACCOUNT) AND 4310000 (FUNCTIONAL ACTIVITY) AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, State Farm Mutual Insurance Company as Subrogee of Jennifer Heizer v. City of Atlanta is a case involving alleged vehicle property damage resulting from a vehicle accident that occurred on or about January 21, 2009, when Ms. Heizer's vehicle slid on water that had frozen on the roadway caused by a broken water main and collided with another vehicle;

WHEREAS, Plaintiff alleges that her vehicle was damaged as a result of the City of Atlanta's failure to maintain a water main line which broke and caused water to flow onto the road way;

WHEREAS, Plaintiff sought monetary damages for the repairs she incurred as well as attorney's fees and costs of litigation;

WHEREAS, Plaintiff has agreed to accept \$1,000.00, in full settlement of all claims against the City of Atlanta, which includes attorney's fees and costs of litigation;

WHEREAS, the City Attorney has done extensive review of the facts and the law and has determined that the City's potential financial exposure in defending Plaintiff's claims is in excess of the settlement amount;



WHEREAS, the City Attorney considers it to be in the best interest of the City to pay the amount of \$1,000.00 to settle all claims against the City of Atlanta; and

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby resolves as follows:

SECTION 1. The City Attorney is hereby authorized to settle and execute all documents in the case of State Farm Mutual Insurance Company as Subrogee of Jennifer Heizer v. City of Atlanta in the amount of One Thousand Dollars and no Cents (\$1,000.00).

SECTION 2. The Chief Financial Officer is authorized to make payment from FUND 5051 (WATER & SEWER CENTER NUMBER), 170201 (DEPARTMENTAL), 5750002 (ACCOUNT) AND 4310000 (FUNCTIONAL ACTIVITY). Payment shall be in the form of a check in the amount of \$1,000.00 payable to Trust Account of R.W. Parnell Trust Account. Such payment shall be in full consideration of the dismissal of all claims against the City of Atlanta and its current and former officers and employees.

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A true copy,

*Rhonda Dauphin Johnson*  
Municipal Clerk

ADOPTED by the Atlanta City Council  
RETURNED WITHOUT SIGNATURE OF THE MAYOR  
APPROVED as per City Charter Section 2-403

SEP 07, 2010

SEP 16, 2010

RCS# 523  
9/07/10  
2:48 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

10-R-1577

ADOPT EXCEPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 0

Y Smith	NV Archibong	Y Moore	Y Bond
NV Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	NV Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

		<b>09-07-10</b>
<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADVERSED ON CONSENT</b>
1. 10-O-1464	38. 10-R-1579	59. 10-R-1507
2. 10-O-1470	39. 10-R-1580	60. 10-R-1508
3. 10-O-1397	40. 10-R-1581	61. 10-R-1509
4. 10-O-1398	41. 10-R-1374	62. 10-R-1510
5. 10-O-1465	42. 10-R-1491	63. 10-R-1511
6. 10-O-1467	43. 10-R-1492	64. 10-R-1512
7. 10-O-1373	44. 10-R-1493	65. 10-R-1513
8. 10-R-1462	45. 10-R-1494	66. 10-R-1514
9. 10-R-1463	46. 10-R-1495	67. 10-R-1515
10. 10-R-1480	47. 10-R-1496	68. 10-R-1516
11. 10-R-1481	48. 10-R-1497	69. 10-R-1517
12. 10-R-1482	49. 10-R-1498	70. 10-R-1518
13. 10-R-1483	50. 10-R-1499	71. 10-R-1519
14. 10-R-1484	51. 10-R-1500	72. 10-R-1520
15. 10-R-1485	52. 10-R-1501	73. 10-R-1521
16. 10-R-1558	53. 10-R-1502	74. 10-R-1522
17. 10-R-1559	54. 10-R-1503	75. 10-R-1523
18. 10-R-1560	55. 10-R-1504	76. 10-R-1524
19. 10-R-1561	56. 10-R-1505	77. 10-R-1525
20. 10-R-1562	57. 10-R-1506	78. 10-R-1526
21. 10-R-1563	58. 10-R-1541	79. 10-R-1527
22. 10-R-1564		80. 10-R-1528
23. 10-R-1565		81. 10-R-1529
24. 10-R-1568		82. 10-R-1530
25. 10-R-1537		83. 10-R-1531
26. 10-R-1538		84. 10-R-1532
27. 10-R-1539		85. 10-R-1533
28. 10-R-1540		86. 10-R-1534
29. 10-R-1543		87. 10-R-1571
30. 10-R-1544		88. 10-R-1572
31. 10-R-1545		
32. 10-R-1546		
33. 10-R-1547		
34. 10-R-1548		
35. 10-R-1549		
36. 10-R-1551		
37. 10-R-1578		