



# Metropolitan Nashville and Davidson County, TN

## Legislation Text

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**File #:** RS2023-40, **Version:** 1

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A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of State Farm Insurance as Subrogee of Melanie Martin against the Metropolitan Government for \$19,903.86, with said amount to be paid out of the Self-Insured Liability Fund.

WHEREAS, on April 28, 2023, an employee of the Metro Water Services Department, while operating a vehicle owned by the Metropolitan Government, attempted to turn right onto Riverwood Drive from Claypool Street, striking Melanie Martin's vehicle in the rear passenger door, causing Ms. Martin's vehicle to leave the roadway striking a tree on private property; and,

WHEREAS, after investigation, the Metropolitan Department of Law believes that the settlement listed in Section 1 is fair and reasonable and in the best interest of the Metropolitan Government and recommends that the property damage claim of State Farm Insurance as Subrogee of Melanie Martin be compromised and settled for \$19,903.86, and that this amount be paid from the Self-Insured Liability Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1: The Metropolitan Department of Law is authorized to compromise and settle the property damage claim of State Farm Insurance as Subrogee of Melanie Martin for the sum of \$19,903.86 with said amount to be paid from the Self-Insured Liability Fund.

Section 2: This resolution shall take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

### Analysis

On April 28, 2023, a Metro Water Services ("MWS") employee was stopped at the corner of Claypool Street and Riverwood Drive when he turned his vehicle right onto Riverwood Drive and struck Melanie Martin's vehicle. Ms. Martin's vehicle left the roadway and struck a tree on private property. Ms. Martin's vehicle sustained damages of \$19,430.80 and was considered a total loss. Ms. Martin also paid for a vehicle rental and her insurance deductible as a result of the incident.

Ms. Martin filed a property damage claim against the Metropolitan Government. A review of the police report, damage to both vehicles, and final resting location of the vehicle was consistent with the claim that the MWS employee failed to yield and did not take necessary precautions before turning onto Riverwood Drive.

The Department of Law recommends settlement of the property damage claim of State Farm Insurance, as a subrogee of Ms. Martin, in the amount of \$19,903.86.

No disciplinary action was taken against the MWS employee because the employee resigned.

*Fiscal note: This \$19,903.86 settlement, along with the settlements per Resolution Nos. RS2023-13, RS2023-*

*14 and RS2023-39 would be the 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> payments from the Self-Insured Liability Fund in FY24 for a cumulative total of \$417,307.*