

City of Alvin

216 West Sealy
Alvin, Texas 77511
281-388-4200

RE: Claim Inquiry

In response to your inquiry concerning the procedure for filing a claim against the City of Alvin, attached is a Claim Form which includes a reprint of Article XI, Section 4 of the Alvin City Charter. The completed and notarized Claim Form should be returned to the City Attorney.

By providing you with a Claim Form the City is not approving or disapproving your claim in whole or in part. All the requirements of the City Charter must be met and the merits of your claim investigated before a decision is made. Failure to provide complete information may delay the processing of your claim.

CITY OF ALVIN
NOTICE OF CLAIM FORM

Name of Claimant _____

Address _____

Phone (Day) _____ **(Evening)** _____

Address Six Months Prior to Incident _____

Date of Incident _____ **Time** _____ **AM** ____ **PM** ____

Location of Incident _____

Weather Conditions and Visibility (If Applicable) _____

Description of Damage to Property If You Claim Property was Damaged (Include Age and Value of Property).

Current Location of Damaged Property _____

Name(s) of Persons(s) You Claim Were Injured and Description of Injuries Sustained (If Any):

(1) **Name** _____ **Phone** _____

Address _____

Description of Injury: _____

(2) Name _____ Phone _____

Address _____

Description of Injury: _____

Describe How Incident Occurred (Give Full Details; Attach Additional Pages if Necessary.)

Amount Claimed (Attach Estimates Of Repairs For Property and Any Medical Reports for Claimed Injury(ies), \$ _____

Do You Carry Insurance for this Loss? _____ Yes _____ No

If Yes, What Company _____

Type: _____ Homeowners _____ Standard Life _____ Auto _____ Other

POLICY NO. _____ AGENT _____

Have You Made A Claim Against Your Insurance Company? _____ Yes _____ No

DESCRIBE WHAT EFFORTS, IF ANY, TO PREVENT THE INCIDENT OR TO

MINIMIZE THE CLAIMED DAMAGES:

Witnesses

Name _____ Phone (Day) _____

Address _____ (Evening) _____

Name _____ Phone (Day) _____

Address _____ (Evening) _____

Name _____ Phone (Day) _____

Address _____ (Evening) _____

IF DAMAGE IS CLAIMED TO BE A RESULT OF A DEFECT IN CITY STREETS, EQUIPMENT, OR OTHER CITY PROPERTY, COMPLETE THE FOLLOWING:

DESCRIBE DEFECT _____

If City Was Notified Of Claimed Defect Prior To Incident;

Employee _____

Date: _____ Time _____ A.M. _____ P.M. _____

Notified: _____ Notified By Whom: _____

If City Was Notified Of Claimed Defect After Incident:

Employee _____

Date: _____ Time _____ A.M. _____ P.M. _____

Notified _____ Notified By Whom: _____

ALVIN CITY CHARTER, ARTICLE XI, SECTION 4 NOTICE OF CLAIM.

CLAIMS AGAINST THE CITY ARE TO BE PRESENTED IN THE FOLLOWING MANNER:

Sec. 4. Notice of claim against city.

Except as provided for by the state constitution or a statute in conflict herewith, the city shall not be liable for any damages, attorney fees, costs of court, or other monies regarding any matters whatsoever, unless notice shall have first been given the city in compliance with this section. Further, neither the power of the city to sue and be sued nor any other term or provision of this Charter shall ever be interpreted or construed as a waiver of any immunity by the city.

(a) Before the city shall be liable for any damage, claim or suit, attorney fees or costs of court, arising out of or for any personal injury, damage to property, or violation of any statutory right or duty, the person who is injured or whose property has been damaged, or someone on his or her behalf, shall give the city manager or the city clerk notice in writing duly certified within ninety (90) days after the date of the alleged damage, injury or violation of statutory right or duty, stating specifically in such notice when, where and how the injury or damage was sustained, setting forth the extent of the injury or damage as accurately as possible, and giving the names and addresses of all witnesses known to the claimant upon whose testimony the claimant is relying to establish the injury or damage. In case of injuries resulting in death, the person or persons claiming damage shall within ninety (90) days after the death of the injured person give notice as required above.

(b) Before the city shall be liable for any damages, attorney fees, court costs or monies whatsoever, whether arising out of any action authorized by statute, for declaratory judgment, or for equitable remedy, or for any damage, claim or suit arising out of contract, the person who seeks such remedy, relief or damage, or someone on his or her behalf, shall:

- (i) Give the city manager or the city clerk notice in writing not less than thirty (30) days prior to the filing of such claim, suit or cause of action, stating specifically the allegations of and basis for such claim, suit or request for remedy, the facts, contract provisions or circumstances supporting the same, the specific remedy or damages sought, the names of all city officers and employees complained of, and giving the names and addresses of all witnesses known to the claimant upon whose testimony the claimant is relying to establish the injury or damage; and
- (ii) Upon request of the city manager or the city council meet, confer and negotiate with the city for the purpose of reaching an acceptable compromise and settlement.