

Entered - 05/19/00 - sb
CL 00L0292 - GWENDOLYN BURNS

CLAIM OF: CATRINA TOUCHTON
5246 Grandview Road
Jasper, Georgia 30143

01-R-0410

For vehicular damages alleged to have been sustained as a result of driving over a broken piece of sidewalk which was caused by a broken sewer catch basin on April 7, 2000 at 16th Street and Spring Street.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to CATRINA TOUCHTON the sum of \$633.66 in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained as a result of driving over a broken piece of sidewalk which was caused by a broken sewer catch basin on April 7, 2000 at 16th Street and Spring Street as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

COUNCIL
MAR 19 2001
ADOPTED BY

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: *Rosalind R Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

AVORABLE REPORT

COM. *Public Safety*

DATE *3/13/01*

BY *C. T. Mark*

Michael [Signature]

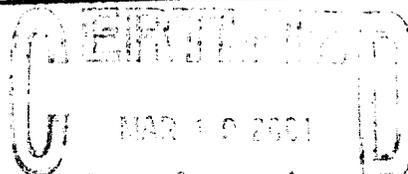
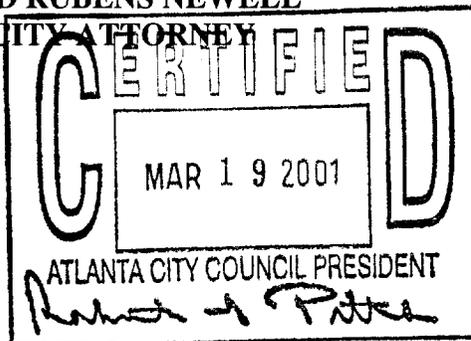
[Signature]

C. T. Mark

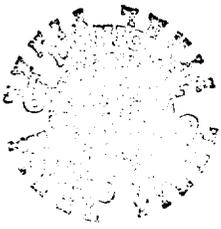
APPROVED

MAR 28 2001

WITHOUT SIGNATURE
BY OPERATION OF LAW



Rhonda Dandrea Johnson
MUNICIPAL CLERK



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

01-R-0410

A RESOLUTION

**BY PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Catrina Touchton** in the sum of **\$633.66** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of a **driving over a broken piece of sidewalk which was caused by a broken sewer catch basin on April 7, 2000 at 16th Street and Spring Street** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

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

MAR 19, 2001

MAR 28, 2001

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0292

Date: March 1, 2001

Claimant /Victim CATRINA TOUCHTON
BY: (Atty) (Ins. Co.)
Address: 5246 Grandview Road, Jasper, Georgia 30143
Subrogation: Claim for Property damage \$ 633.66 Bodily Injury \$
Date of Notice: 5/17/00 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 4/7/00 Place: 16th Street & Spring Street
Department PUBLIC WORKS Division Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant's vehicle sustained damage when she drove over a broken piece of sidewalk that was located in the roadway. An investigation determined that the top of a sewer catch basin had been damaged by ongoing vehicular traffic creating a road hazard. The City was on notice of said problem but failed to correct it.

INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X
Pictures Diagrams Reports: Police Dept Report Other X
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,
Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 633.66 Adverse Account charged: 1A01 2J01 X 2H01
Claims Manager: Concur/date 03-02-01
Committee Action: Council Action

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 00L0292 \$ 633.66

IN CONSIDERATION of the sum of SIX HUNDRED AND THIRTY-THREE AND 66/100
DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged,
I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City,
its officers and employees, from any and all claims, demands, actions, causes of action, suits, damages, loss and
expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly
for or on account of a vehicular incident
which occurred on or about the 7th day of April, 2000,
at or near 16th Street & Spring Street

It is further understood and agreed that the payment of the above named sum is not to be considered as an
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this
instrument.

WITNESS my hand and seal this 24th day of February, 2001

Catrina Touchton (LS)
CATRINA TOUCHTON

_____ (LS)

The above release was read and explained to, and signed by the said _____

Catrina Touchton in our presence on the date above written.

Brown Williams
Emily Turnbull
WITNESSES

BURNS
05/17/00

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 4/12/00

ENTERED - 5-19-00 - SB
00L0292 - GWEN BURNS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 633.66 property and/or \$ 0.00 bodily injury for which I contend the City is liable.

1. Date of incident: 4/7/00 (month/day/year) 2. Time of Incident: 5:45 AM 3. Police called: Yes No X

4. Location of incident (including street address): 16th Street traveling towards Spring Street

5. Name of your insurance company: State Farm Policy No. 174 9136-C28-11B

6. State what and how incident occurred: At approximately 5:45 AM on 4/7/00 I was traveling North on Williams Street. I made a right hand turn onto 16th Street going towards Spring Street. It was very dark and conditions were dry. I was probably traveling at about 10 mph since I had just turned the corner. There was a boulder in the middle of the lane in which I was traveling from a large area of debris on the sidewalk/curb area. The entire side of the sidewalk/curb had been torn up and there were many loose rocks/boulders lying around (see attached photos). I slammed on brakes as soon as I saw it but was already too close and the boulder went up underneath the front of my car and became lodged underneath the frame.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: Chevrolet 1989 786 GDL Catrina Touchton (Make) (Year) (Tag Number) (Driver's Name)

City vehicle: (Make) (City Driver's Name) (Department/Bureau)

9. Witness: (Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Catrina Touchton Signature of Claimant

Catrina Touchton (Print Claimant's Name)

5246 Grandview Road (Address)

Jasper GA 30143 (City, State and Zip Code)

(404) 881-7236 (Work Number) 1326 (Home Number)

4. Body Repair Estimate from John Smith Chevrolet Geo Co. in the amount of \$497.05;
5. Body Repair Estimate from Lawson Chevrolet-Olds, Inc. in the amount of \$471.41; and
6. Cost Estimate from Piedmont Lindbergh Exxon for replacing one (1) front tire and front end alignment in the amount of \$162.25.

Using the \$471.41 body claim estimate and adding to it the \$162.26 tire damage/mechanical estimate, this brings the total damage to my vehicle to \$633.66. Please note that if you need another cost estimate for replacing the tire and front end alignment, please let me know and I will provide you with one.

In closing I would just like to add that I visited accident site again this week and all the debris/rocks/boulders are still lying around on the curb and sidewalk and street. This is an extremely dangerous situation for anyone traveling on that section of street, particularly after dark.

Thank you in advance for your response.

Sincerely,



Catrina Touchton

**CATRINA TOUCHTON
5246 GRANDVIEW ROAD
JASPER GA 30143
(404) 881-7326**

May 4, 2000

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

Dear Municipal Clerk:

This letter will serve to detail the accident for which I am making a damage claim, as well as to list all enclosures related thereto.

On 4/7/00 I was on my way to work at approximately 5:45 AM. I was traveling North on Williams Street and made a right hand turn onto Sixteenth (16th) Street going towards Spring Street. It was very dark and conditions were dry. I was probably traveling at about 10 miles per hour since I had just turned the corner. There was a boulder in the middle of the lane in which I was traveling from a large area of debris on the sidewalk/curb area. The entire side of the sidewalk/curb had been torn up and there were many loose rocks/boulders lying around loose (see attached photos). I slammed on brakes as soon as I saw it, but was already too close and the boulder went up underneath the front of my car and became lodged underneath the frame.

The damage to my car is as follows:

1. Front valance damaged;
2. Front cross member hit and dented slightly;
3. Floor Pan on the left front is dented;
4. Rocker Panel on lower side of car ripped nearly in half;
5. Left front tire damaged; and
6. Car knocked out of alignment.

Accordingly, enclosed please find the following:

1. Claim for Damages (obtained from Sherri at Dept of Public Works);
2. Copy of State of Georgia Registration;
3. Photos of Accident Site;

RECEIVED

MAY 10

01-*R*-0410

01-10-00 11:30 AM

RCS# 2725
3/19/01
2:52 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 15

ADOPT

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
NV Bond	Y Morris	Y Maddox	B Alexander
Y Winslow	NV Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0067

Woolard & Morris voted Nay on the
following items:

01-R-0379
01-R-0392
01-R-0393
01-R-0394
01-R-0395
01-R-0396

CONSENT

RCS# 2726
3/19/01
2:54 PM

Atlanta City Council

Regular Session

CONSENT *Reconsidered*
#1

Pages 1 thru 15

ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	NV Emmons
NV Bond	Y Morris	Y Maddox	B Alexander
Y Winslow	NV Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0067
01-O-0354

Woolard & Morris voted Nay on the
following items:

01-R-0379
01-R-0392
01-R-0393
01-R-0394
01-R-0395
01-R-0396

CONSENT

RCS# 2753
3/19/01
5:40 PM

Atlanta City Council

Regular Session

CONSENT *Reconsidered*
#2

Pages 1 thru 15

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

NV McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	B Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0067
01-O-0354
01-O-0188

Woolard & Morris voted Nay on the
following items:

01-R-0379
01-R-0392
01-R-0393
01-R-0394
01-R-0395
01-R-0396

CONSENT

**ITEMS ADOPTED ON
CONSENT AGENDA**

**ITEMS
ADOPTED ON
CONSENT
AGENDA**

**ITEMS
ADVERSESED
ON CONSENT
AGENDA**

1. 01-O-0306
2. 01-O-0445
3. 01-O-0449
4. 01-O-0450
5. 01-O-0098
6. 01-O-0178
7. 01-O-0302
8. 01-O-0367
9. 00-O-1987
10. 01-O-0448
11. 00-O-2069
12. 01-O-0446
13. 01-O-0187
14. 01-O-0294
15. 01-R-0411
16. 01-R-0412
17. 01-R-0413
18. 01-R-0414
19. 01-R-0420
20. 01-R-0421
21. 01-R-0475
22. 01-R-0428
23. 01-R-0429
24. 01-R-0477
25. 01-R-0220
26. 01-R-0430
27. 01-R-0447
28. 01-R-0452
29. 01-R-0458
30. 01-R-0417
31. 01-R-0426
32. 01-R-0427
33. 00-R-1466
34. 01-R-0416
35. 01-R-0419
36. 01-R-0424
37. 01-R-0108
38. 01-R-0189

39. 01-R-0397
40. 01-R-0398
41. 01-R-0399
42. 01-R-0400
43. 01-R-0401
44. 01-R-0402
45. 01-R-0403
46. 01-R-0404
47. 01-R-0405
48. 01-R-0406
49. 01-R-0407
50. 01-R-0408
51. 01-R-0409
52. 01-R-0410
53. 01-R-0433
54. 01-R-0434
55. 01-R-0435
56. 01-R-0436

57. 01-R-0437
 58. 01-R-0438
 59. 01-R-0375
 60. 01-R-0376
 61. 01-R-0377
 62. 01-R-0378
 63. 01-R-0379
 64. 01-R-0380
 65. 01-R-0381
 66. 01-R-0382
 67. 01-R-0383
 68. 01-R-0384
 69. 01-R-0385
 70. 01-R-0386
 71. 01-R-0387
 72. 01-R-0388
 73. 01-R-0389
 74. 01-R-0390
 75. 01-R-0391
 76. 01-R-0392
 77. 01-R-0393
 78. 01-R-0394
 79. 01-R-0395
 80. 01-R-0396
 81. 01-R-0440
 82. 01-R-0439
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