

Entered - 05/08/01 - sb
CL01L0291 - DIANNE C. MITCHELL

CLAIM OF: **GLENN A. GIBSON, JR.**
4856 Haymarket Trail
Decatur, Georgia 30035

01- *R* -0812

For damages alleged to have been sustained as a result of vehicular damage due to a pothole on April 11, 2001 at Fulton Industrial Boulevard and Patton Drive.

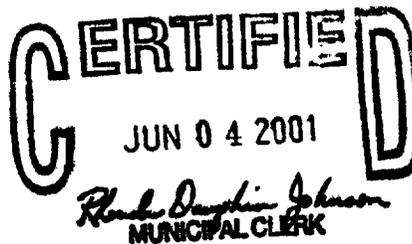
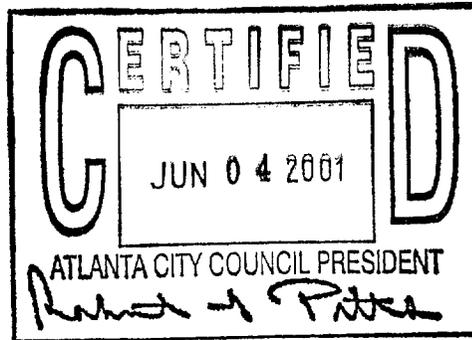
THIS ADVERSED REPORT IS APPROVED

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

ADVERSED BY
CITY COUNCIL JUN 04 2001

ADVERSE REPORT

COM. *Public Safety*
DATE *5/29/01*
OFF. *C. T. Mack*
Michael Bond
[Signature]
Clara Henslow





CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

June 19, 2001

Glenn A. Gibson
4856 Haymarket Trail
Decatur, Georgia 30035

01-R-0812

Dear Mr. Gibson:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on June 4, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0291

Date: May 17, 2001

Claimant /Victim GLENN A. GIBSON, JR.

BY: (Atty)(Ins. Co.)

Address: 4856 Haymarket Trail, Decatur, Georgia 30035

Subrogation: Claim for Property damage \$ 174.00 Bodily Injury \$

Date of Notice: 04/20/01 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 04/11/01 Place: Fulton Industrial Boulevard and Patton Drive

Department Division:

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that his vehicle was damaged due to a pothole at the above referenced location. The investigation determined that the roadway is a part of the Georgia State Highway System and the responsibility of the State Department of Transportation, and furthermore, this location is outside the Atlanta City limits. The claimant has been advised to pursue his claim with the State Department of Transportation.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police Dept Report Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial

Improper Notice More than Six Months Other Damages reasonable

City not involved X Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

[Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01

Claims Manager: [Signature] Concur/date 05-18-01

Committee Action: Council Action

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: 17 Apr. 01

ENTERED - 5-8-01 - SB
0110291 - DIANNE MITCHELL

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 174.00 property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: 04-11-01 (month/day/year) 2. Time of Incident: 10:00 a.m. 3. Police called: Yes No

4. Location of incident (including street address): Fulton Industrial Blvd & Patton Drive

5. Name of your insurance company: AMEX Insurance Co. Policy No. AX00138264

6. State what and how incident occurred: - See Attachment -

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: Acura Legend 1989 TTP 031 Glenn A. Gibson Jr.
(Make) (Year) (Tag Number) (Driver's Name)

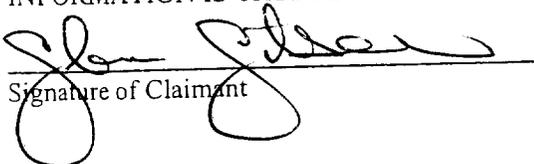
City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: Glenn A. Gibson 4856 Hay Market Trail 770 981-2582
(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.


Signature of Claimant

Glenn A. Gibson Jr.
(Print Claimant's Name)

4856 Hay Market Trail
(Address)

Decatur, GA 30035
(City, State and Zip Code)

313215-7666 770981-2582
(Work Number) (Home Number)

Attachment (Pg.#1)

On the date of 11 April 2001 at approximately 9:55a.m. I had just left the Coca Cola facility located at 1001 Great West Parkway.

I got on Fulton Industrial Blvd. and was proceeding back to Interstate-20 when I ran over an oversized pot hole located at FULTON INDUSTRIAL BLVD. and PATTON DRIVE. There is a CITGO GAS STATION and an OFFICE DEPOT located on that corner.

The impact made my right (passenger side) front tire warp and form a large bubble on the outside on the rim. Though the tire didn't blow out completely at that present time, it was definitely not suitable for driving a great distance.

Also spontaneously, my wheel cover (center cap) was completely blown off breaking it's wheel lock support cable. The wheel cover was destroyed by other vehicles proceeding through the traffic light at that intersection where the pot hole exists.

I did however manage to regain control of the vehicle and pulled over immediately to inspect visual damages. I'm hopeful that there won't be any underbody damages that will become existent in the near future but I did notice that there was a lot of debris collected (glass, bent nails, & other fragments) by both tire in the lot located aside of Citgo Gas Station.

When the traffic light turned red I was able to retrieve my wheel center cap that was destroyed by the incident.

With my hazard lights on and in a slow manner I proceeded to QUICK FLEET TIRE SALES, INC. located at 3075 Bankhead Hwy, N.W. Atlanta, GA. 30318 where the necessary repairs were done to my vehicle.

Both front tires were replaced at the Tire Technician's discretion. He stated that it was only a matter of time before the damaged tire would bust. Also, that the other tire should be replaced because of the collected debris and to ensure a better ride. (One new tire and an old tire on the front of an automobile would result in a not so good ride imposed by uneven tire tread.

In this complaint I'm only requesting that financial compensation for the following:

(1) Front right tire \$65.00 / \$8.00 Computer Balance/ \$1.00 EPD Fee	\$74.00
(1) Center Cap Replacement for Acura Dealer	\$80.00
(1) Center Cap Locks (set of 4) Automotive Store	\$20.00

TOTAL \$174.00

Thank you for consideration and prompt attention into my request.

Also please get some attention to that location before someone seriously gets hurt.

01- R -0812

RCS# 2912
6/04/01
2:56 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 12

ADOPT

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

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

Unanimous

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

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0653
01-O-0663
01-O-0664
01-O-0835
01-R-0181
01-R-0851

CONSENT

06/04/01 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 01-O-0821
2. 01-O-0834
3. 01-O-0833
4. 01-O-0492
5. 01-O-0671
6. 01-O-0717
7. 01-O-0825
8. 01-O-0826
9. 01-O-0837
10. 01-R-0832
11. 01-R-0308
12. 01-R-0836
13. 01-R-0784
14. 01-R-0785
15. 01-R-0822
16. 01-R-0352
17. 01-R-0792
18. 01-R-0846
19. 01-R-0794
20. 01-R-0795

**ITEMS ADVERSED
ON CONSENT AGENDA**

21. 01-R-0796
 22. 01-R-0797
 23. 01-R-0798
 24. 01-R-0799
 25. 01-R-0800
 26. 01-R-0801
 27. 01-R-0802
 28. 01-R-0803
 29. 01-R-0804
 30. 01-R-0805
 31. 01-R-0806
 32. 01-R-0807
 33. 01-R-0808
 34. 01-R-0891
 35. 01-R-0810
 36. 01-R-0811
 37. 01-R-0812
 38. 01-R-0813
 39. 01-R-0814
 40. 01-R-0815
 41. 01-R-0816
 42. 01-R-0817
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