

01-R-1810

Entered - 09-24-99 - sb
CL 99L0626 ALEXIS HOLMES

CLAIM OF: **EYECATCHER DESIGN, INC.**
C/O KERRY PICKETT, PRESIDENT
5450 Glenridge Drive, NE
Apartment 562
Atlanta, Georgia 30342-4983

ADOPTED BY

NOV 19 2001

COUNCIL

For vehicular damages alleged to have been sustained as a result of driving over a large pothole in the road on July 12, 1999 at Piedmont Circle near Piedmont and Cheshire Bridge Roads.

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 **EYECATCHER DESIGN, INC., C/O KERRY PICKETT PRESIDENT** the sum of **\$605.22** 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 large pothole in the road on July 12, 1999 at Piedmont Circle near Piedmont and Cheshire Bridge Roads** 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.

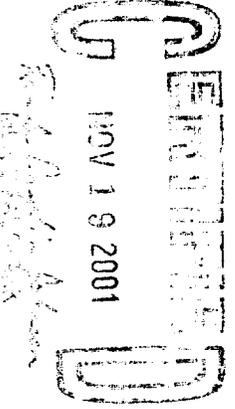
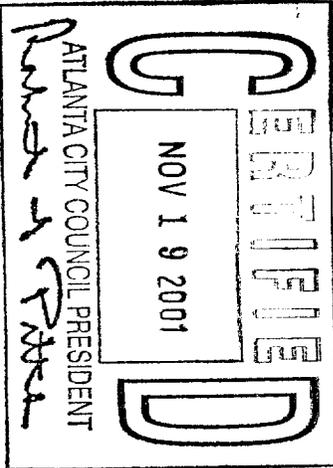
APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

FAVORABLE REPORT

COMM: _____
DATE: NOV 19 2001
CHAIR: C. T. Nyarko
Colgate Hineslow
James
Wm

APPROVED
NOV 28 2001
WITHOUT SIGNATURE
BY OPERATION OF LAW





**MUNICIPAL CLERK
ATLANTA, GEORGIA**

01-R-1810

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 **Eyecatcher Design, Inc c/o Kerry Pickett, President** in the sum of **\$605.22** 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 **driving over a large pothole in the road on July 12, 1999 at Piedmont Circle near Piedmont and Cheshire Bridge Roads** 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,

Thanda Daughin Jensen
Municipal Clerk, CMC

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

NOV 19, 2001

NOV 28, 2001

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0626

Date: 10/29/01

Claimant /Victim EYECATHER DESIGN, INC. C/O KERRY PICKETT, PRESIDENT

BY: (Atty)(Ins.)

Address: 5450 Glenridge Drive, NE Apartment 562 Atlanta, Georgia 30342-4983

Subrogation: Claim for Property damage \$ 605.22 Bodily Injury \$

Date of Notice: 9/15/99 Method: Written, proper X Improper

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

Date of Occurrence 7/12/99 Place: Piedmont Circle near Piedmont and Cheshire Bridge Roads

Department Public Works Division: Street Operations

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant sustained damages to her vehicle after she drove over a large pothole in the road incurring damages in the above amount.

INVESTIGATION:

Statements: City employee Claimant X Other X Written X Oral

Pictures Diagrams Reports: Police Dept Report X Other

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 X 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,

Alexis Holmes (handwritten signature)

INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ 605.22 Adverse Account charged: 1A01 X 2J01 2H01

Claims Manager: Concur/date 11-01-01

Committee Action: Council Action

Atlanta City Council

Regular Session

MULTIPLE

Favorable Claims; Public Safety Items
1 through 18
ADOPT

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

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

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MULTIPLE

Details of the Incident:

Date: Monday, July 12, 1999

Time: 5:30 p.m.

Location: Piedmont Circle, Eastbound toward Piedmont/Cheshire Bridge

Details:

After exiting 85 Northbound and taking the Piedmont Road South exit, I turned left onto Piedmont Circle heading toward Cheshire Bridge Road. I was in the right lane with two cars to my left in the left lane. As I approached the intersection with Piedmont there was an enormous hole in the road that was not visible until I was almost on top of it. With the two cars to my left, I was not able to swerve and avoid hitting it. My front right tire blew on impact. I managed to make it through the intersection and into the By Design parking lot so I could change my tire.

I took my car to Kauffman Tire on Tuesday morning and purchased a new tire and had my alignment repaired.

However, my car was still not driving well. There was a strong vibration in the steering wheel and the car was pulling right. So I was forced to take my car to the dealership where I purchased the car last year. I was informed that my right front wheel was badly bent and the car would not ride well again unless a new wheel was purchased. So I bought a new wheel.

Additionally, on Tuesday, July 13th I drove by the location of the incident and several barricades have now been placed around the hole. Obviously the city is now aware of the problem but the hole has not yet been fixed as of July 26th.

The damages to my car total \$605.22. I am not sure how the city could have let a hole of this size develop on such a main thoroughfare and I believe I need to be reimbursed for my expenses.

If you need any additional information regarding this incident, please call me at 404-816-3850. Thank you for your attention to this matter.