

Entered - 6/16/09 - sb
CL - 09L0445 - ANGELENA KELLY

CLAIM OF: Phillip Floyd
2006 Five Oaks Way
Tucker, GA 30084

For damages alleged to have been sustained as a result of driving over a pothole on May 5, 2009 at 626 Dekalb Avenue.

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 **Phillip Floyd** the sum of **\$692.17** 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 pothole on May 5, 2009 at 626 Dekalb Avenue as is more particularly set forth in the within claim; said sum taken from and charged to account **1001.200101.5212005.1512000.**

APPROVED: **ROGER BHANDARI**
ACTING CITY ATTORNEY

APPROVED
[Signature]
MAYOR

BY: *[Signature]*
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

FAVORABLE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 1/12/10

CHAIR: *[Signature]*

[Signature]

[Signature]
[Signature]
[Signature]

JAN 19 2010

RECEIVED
JAN 19 2010
Frank D. Dunbar, Jr.
MUNICIPAL CLERK

ADOPTED BY
JAN 19 2010
COUNCIL

**MUNICIPAL CLERK
ATLANTA, GEORGIA**

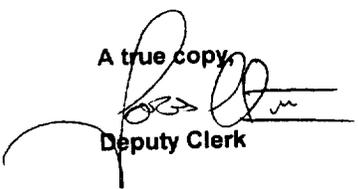
10-R-0080

A RESOLUTION

**BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **Phillip Floyd** the sum of **\$692.17** as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character, for property damages alleged to have been from driving over a pothole on **May 5,, 2009** at **626 Dekalb Avenue** as is more particularly set forth in the within claim; said sum taken from and charged to Account **51001/200101/5212005/1512000**.

A true copy,


Deputy Clerk

ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed

JAN 19, 2010
JAN 25, 2010

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 09L0445

Date: December 17, 2009

Claimant /Victim: Phillip Floyd

BY:(Atty)(Ins. Co.)

Address: 2006 Five Oaks Way, Tucker, GA 30084

Subrogation: Claim for Property damage \$ 2,942.96 Bodily Injury \$

Date of Notice: 6/11/09 Method: Written, proper X Improper

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

Date of Occurrence: 5/5/09 Place: 626 Dekalb Avenue

Department: Public Works Bureau: Office: Transportation

Employee involved: Disciplinary Action:

NATURE OF CLAIM: The claimant alleges he sustained damage to his vehicle when he drove over a pothole at the above location. The investigation determined that although the City had no actual notice of any problems, the condition of the pothole indicates the condition had existed for a length of time that notice of same is implied.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures X 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 X Ministerial

Improper Notice More than Six Months Other Damages reasonable

City not involved Offer rejected Compromise settlement X

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

Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,

Handwritten signature of Angelena Kelly, INVESTIGATOR - ANGELENA KELLY

RECOMMENDATION:

Pay \$ 692.17 Adverse Account charged: General Fund X Water & Sewer Aviation

Claims Manager: Concur/date 12/21/09

Committee Action: Council Action

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30303

RE: CLAIM FOR DAMAGES

Today's Date: 5-18-2009

ENTERED - 6-16-09 - SB
09L0445 - A. KELLY

Kelly
06/11/09
Dan

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 1144.27 property and/or \$ none bodily injury for which I contend the City is liable.

cc: 082040

1. Date of incident: 5-5-2009 2. Time of incident: 12:30 3. Police called: YES

4. Location of incident (including street address): Dekalb Ave Near ^{Luxury} 626 Arts

5. Name of your insurance company: St. Farm Policy No. 11-7146-89401

6. State what and how incident occurred: coming from Greedy Hosp. on Decatur St. made a left on Dekalb Ave coming down about 2 miles I approach a pot hole trying to avoid it and it was to late and was already upon it and the hole was to deep so I burst my tire and crack

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!

rim and car shut off completely

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.

Your vehicle: Jaguar 1995 Aug 6503 Phillip J. Floyd
(Make) (Year) (Tag Number) (Driver's Name)

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

9. Witness: Dwight Abernathy 678-779-6155

10. The acknowledgement 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. Claims must be received within 6 months from the date of the event.

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

Phillip J. Floyd
Signature of Claimant

Phillip J. Floyd
(Print Claimant's Name)

2006 Five Oaks Way
(Address)

Tucker Ga 30084
(City, State and Zip Code)

678-886-4186 anytime
(Work Number) (Home Number)

RCS# 17
1/19/10
1:54 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

10-R-0145

ADOPT EXCEPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
B Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I