

CLAIM OF: SARAH D. SIDWELL
3025 Millwater Crossing
Dacula, Georgia 30019

For damages alleged to have been sustained as a result of striking a pothole on May 28, 2009 at 3369 Lenox Road.

Pursuant to Section 2-404 of the City Code, the City Attorney hereby approves and authorizes settlement of the above referenced claim by paying to SARAH D. SIDWELL the sum of \$274.92 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 striking a pothole on May 28, 2009 at 3369 Lenox Road as is more particularly set forth in the within claim; said sum taken from and charged to account 1001.200101.5212005.1512000.

JAN 19 2010

RECEIVED
JAN 19 2010

Rita L. Davenport Johnson
MUNICIPAL CLERK

APPROVED: ROGER BHANDARI
ACTING CITY ATTORNEY

APPROVED
Roger Bhandari
MAY 20 2010

BY: *Jerry L. DeLoach*
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADOPTED BY
JAN 19 2010
COUNCIL

FAVORABLE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 1/12/10

CHAIR: _____

Yvonne Anderson

George M. Shepard
Ray W. [unclear]

**MUNICIPAL CLERK
ATLANTA, GEORGIA**

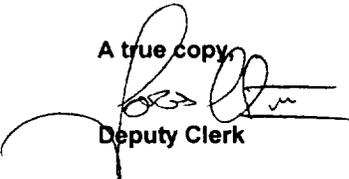
10-R-0086

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 **Sarah D. Sidwell** the sum of **\$274.92** 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 striking a pothole on **May 28, 2009** at **3369 Lenox Road** as is more particularly set forth in the within claim; said sum taken from and charged to Account **1001/200101/521200/1512000**.

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. 09L0955

Date: December 22, 2009

Claimant /Victim SARAH D. SIDWELL

BY:(Atty)(Ins.Co.) _____

Address: 3025 Millwater Crossing Dacula, Georgia 30019

Subrogation: _____ Claim for Property damage \$ 299.92 Bodily Injury \$ _____

Date of Notice: 11/21/09 Method: Written, proper X Improper _____

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

Date of Occurrence 05/28/09 Place: 3369 Lenox Road

Department Public Works Bureau: _____ Office: Transportation Services

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that she sustained damages as a result of striking a pothole at 3369 Lenox Road. However, an investigation determined that the city was on notice of a problem at this location, but failed to make repairs in a timely manner.

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 _____

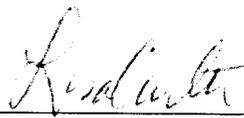
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement X

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

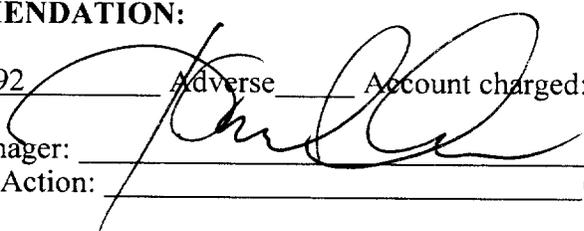
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ 274.92 Adverse _____ Account charged: General Fund X Water & Sewer _____ Aviation _____

Claims Manager:  Concur/date 12/22/09

Committee Action: _____ Council Action _____

RECEIVED
OFFICE OF
MUNICIPAL CLERK
2009 NOV 26 AM 9:49

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

RE: CLAIM FOR DAMAGES
Today's Date: 11/15/09

ENTERED - 12-2-09 - SB
09L0955 - L. CARTER

Carter
11/25/09

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 274.92 property and/or \$ 0 bodily injury for which I contend the City is liable.

- Date of incident: 5/28/09 2. Time of incident: 8:00am. Police called: NO.
- Location of incident (including street address): 3369 Lenox Road, Atlanta, GA
- Name of your insurance company: State Farm Policy No. _____
- State what and how incident occurred: In April and May made multiple reports to Fulton County, City of Atlanta and State of Georgia re: a major pothole on Lenox Road. on the morning of 5/28/09 I hit the pothole with my new car
- 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! *and damaged the tire.*
- 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: BMW 750 LI 2006 BIE Sarah D. Sidwell
(Make) (Year) (Tag Number) (Driver's Name)
City vehicle: NA
(Make) (City Driver's Name) (Department/Bureau)
- Witness: Husband and BMW roadside assistance
- 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).
- 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.
Sarah D. Sidwell
Signature of Claimant

Sarah D. Sidwell
(Print Claimant's Name)
3025 Millwater Crossing
(Address)
Dacula, GA 30019
(City, State and Zip Code)
w) 404-364-7310
(Work Number) (Home Number)
h) 678-482-0828