

Entered - 11/17/09 - sb
CL 09L0885 - LISA CARTER

10- R -0087

CLAIM OF: SARA DUBOSE
P.O. Box 55584
Atlanta, Georgia 30308

For damages alleged to have been sustained as a result of striking a pothole on October 5, 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 SARA DUBOSE the sum of \$121.90 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 October 5, 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

RECORDED
JAN 20 2010
Franklin D. ...
MEMORIAL CLERK

APPROVED: ROGER BHANDARI
ACTING CITY ATTORNEY

APPROVED
[Signature]
MAYOR

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

ADOPTED BY
JAN 19 2010
COUNCIL

FAVORABLE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 1/12/10

CHAIR: *[Signature]*

[Signature]
[Signature]



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

10-R-0087

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 **Sara Dubose** the sum of **\$121.90** 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 October 5, 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. 09L0885

Date: December 22, 2009

Claimant /Victim SARA DUBOSE

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

Address: P.O. Box 55584 Atlanta, Georgia 30308

Subrogation: _____ Claim for Property damage \$ 121.90 Bodily Injury \$ _____

Date of Notice: 10/23/09 Method: Written, proper Improper _____

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

Date of Occurrence 10/05/09 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 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 _____

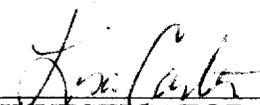
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable

City not involved _____ Offer rejected _____ Compromise settlement _____

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

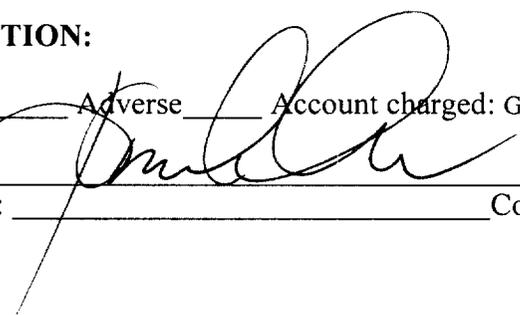
Claimant Negligent _____ City Negligent Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ 121.90 Adverse _____ Account charged: General Fund Water & Sewer _____ Aviation _____

Claims Manager:  Concur/date 12/22/09

Committee Action: _____ Council Action _____

10-R-0087

CARTER

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

RE: CLAIM FOR DAMAGES

11/13/09

Today's Date: 10/20/09

ENTERED - 11-17-09 - SB
09L0885 - L. CARTER

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 121.90 property and/or \$ _____ bodily injury for which I contend the City is liable.

- Date of incident: 10/05/09 2. Time of incident: _____ 3. Police called: called (404) Pothole
- Location of incident (including street address): Across from Firestone - 3369 Lennox Rd. Atlanta 30308
- Name of your insurance company: Allstate Policy No. Not Used
- State what and how incident occurred: I was traveling in my car down Lennox Rd. (away from Peachtree Rd.). I hit a pothole in the right lane (small side across the street from Pier 1/Firestone) with my right front tire. Traffic was medium, and I couldn't safely change lanes.
- 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! (See attachments for damages to tire balance and alignment.)
- 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: 2009 Matreix MM AFD 0749 Sara Dubose
(Make) (Year) (Tag Number) (Driver's Name)
City vehicle: NA
(Make) (City Driver's Name) (Department/Bureau)
- Witness: NA (404) Pothole Operator review call transcript
- 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.

Sara Dubose 10/20/09
Signature of Claimant

Sara Dubose
(Print Claimant's Name)
PO Box 55584
(Address)
Atlanta, GA 30308
(City, State and Zip Code)
(404) 233-5590 (404) 839-7450
(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



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

10-R-0087

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