

10- R -0101

Entered - 10/23/09 - sb
CL - 09L0828 - Angelena Kelly

Claim of: Terry Brown
4620 Wieuca Road, #47
Atlanta, GA 30342

For damages alleged to have been sustained as a result of driving over a pothole on September 30, 2009 at Roswell Road near Alberta Street.

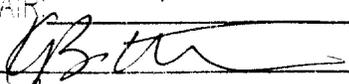
THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

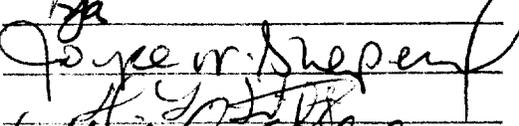
ADVERSE REPORT

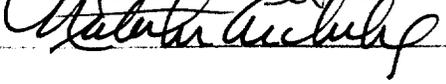
PUBLIC SAFTEY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 1/12/10

CHAIR: 







JAN 19 2010

CERTIFIED
JAN 19 2010
Jerry L. DeLoach
DEPUTY CITY ATTORNEY

JAN 19 2010
APPROVED BY
CITY COUNCIL

CITY COUNCIL
ATLANTA, GEORGIA

January 29, 2010

Terry Brown
4620 Wieuca Road #47
Atlanta, Georgia 30342

10-R-0101

Dear **Ms. Brown**

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 January 19, 2010. 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, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 09L0828

Date: November 30, 2009

Claimant /Victim: Terry Brown
BY:(Atty)(Ins. Co.) _____
Address: 4620 Wieuca Road, # 47, Atlanta, GA 30342
Subrogation: _____ Claim for Property damage \$ 365.81 Bodily Injury \$ _____
Date of Notice: 10/8/09 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence: 9/30/09 Place: Roswell Road near Alberta Street
Department: Public Works Bureau: _____ Office: Transportation
Employee involved: _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that his vehicle sustained damage when he drove over a pothole at the above location. However, the investigation determined that this location is maintained by the state and has been forwarded to the Georgia Department of Transportation for handling. The claimant has been advised to pursue his claim with the Georgia 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 _____

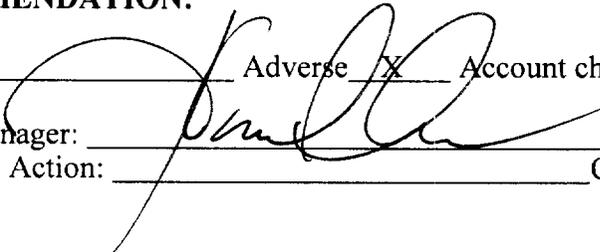
BASIS OF RECOMMENDATION:

Function: Governmental X 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,


INVESTIGATOR - ANGELENA KELLY

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: General Fund _____ Water & Sewer _____ Aviation _____
Claims Manager:  Concur/date 12/15/09
Committee Action: _____ Council Action _____

10- R -0101

RECEIVED OFFICE MUNICIPAL CLERK

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

2009 OCT 28

RE: CLAIM FOR DAMAGES

Today's Date: 10/31/09

ENTERED - 10-23-09 - SB
09L0828 - A. KELLY

Kelly
10/20/09
[Signature]

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 365.81 property and/or \$ 0 bodily injury for which I contend the City is liable. + \$500. for assessed work

- Date of incident: 9/30/09 2. Time of incident: 3:00 3. Police called: called the city
- Location of incident (including street address): Roswell Rd where Alberta St ^{comes} in
- Name of your insurance company: Travelers Policy No. 9432017871012
- State what and how incident occurred: I was driving home on Roswell Road - went over giant pot hole - my car began to sway back + forth - stopped - the tire + rim were badly damaged - Have been concerned about holes in
- 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.

Your vehicle: 2003 3348 AMH Terry Brown
(Make) (Year) (Tag Number) (Driver's Name)

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

9. Witness: Terry Brown (my daughter)

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.

Terry Brown
Signature of Claimant

TERRY BROWN
(Print Claimant's Name)
4620 Wilberca Rd #47
(Address)
Atlanta Ga 30342
(City, State and Zip Code)
404-277-8077
(Work Number) (Home Number)

* Road + have called to report many times -

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