

Entered - 10/23/09 - sb
CL - 09L0826 - Angelena Kelly

Claim of: Margaret Lane
3315 Roswell Road, # 4015
Atlanta, GA 30305

For damages alleged to have been sustained as a result of driving
over a pothole on September 29, 2009 at 3434 Roswell Road.

THIS ADVERSED REPORT IS APPROVED

BY: _____

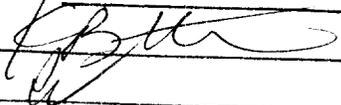

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

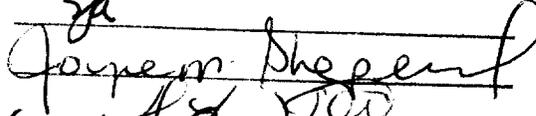
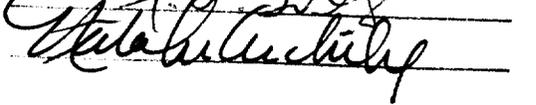
ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

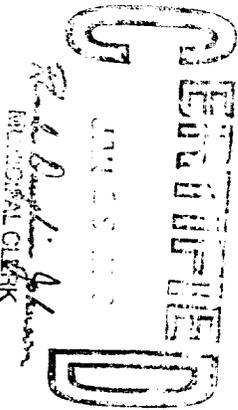
DATE: 1/12/10

CHAIR: _____



JAN 19 2010



JAN 19 2010

APPROVED BY
CITY CLERK

CITY COUNCIL
ATLANTA, GEORGIA

January 29, 2010

Ms. Margaret Lane
3315 Roswell Road, #4015
Atlanta, Georgia 30305

10-R-0105

Dear **Ms. Lane**

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. 09L0826

Date: November 30, 2009

Claimant /Victim: Margaret Lane
BY:(Atty)(Ins. Co.) _____
Address: 3315 Roswell Road, # 4015, Atlanta, GA 30305
Subrogation: _____ Claim for Property damage \$ 232.46 Bodily Injury \$ _____
Date of Notice: 10/13/09 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence: 9/29/09 Place: 3434 Roswell Road
Department: Public Works Bureau: _____ Office: Transportation
Employee involved: _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that her vehicle sustained damage when she 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 her claim with the Georgia Department of Transportation.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures X Diagrams _____ Reports: Police _____ Dept Report _____ Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

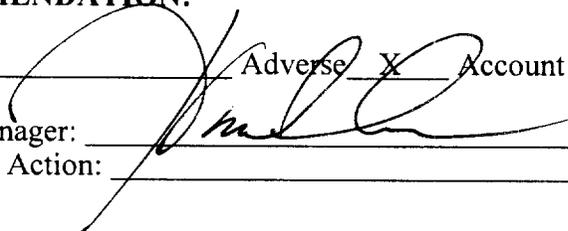
BASIS OF RECOMMENDATION:

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 _____

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

RECEIVED
OFFICE OF
MUNICIPAL CLERK
2009 OCT 13 3 PM

RE: CLAIM FOR DAMAGES

Today's Date: 10/6/09

ENTERED - 10-23-09 - SB
09L0826 - A. KELLY

[Signature]
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 \$ ~~232.46~~ ^{232.46} property and/or \$ ~~0.00~~ bodily injury for which I contend the City is liable.

- Date of incident: 9/29/09 2. Time of incident: 9:05pm 3. Police called: No
- Location of incident (including street address): 3434 Roswell Rd. NE
- Name of your insurance company: State Farm Insurance Policy No. 212 3213-F27-11B
- State what and how incident occurred: I pulled out of my apartment complex and was driving in the right lane, and could not avoid hitting the pot hole because of cars in the left lane preventing me from switching lanes. I realized within minutes after that my tire was flat
- 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!**
- 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 2001 Margaret Lane
(Make) (Year) (Tag Number) (Driver's Name)
City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)
- Witness: N/A
- 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.

Maggie Lane
Signature of Claimant

Margaret Gladney Lane
(Print Claimant's Name)

3315 Roswell Rd. NE Apt. 4015
(Address)

Atlanta, GA 30305
(City, State and Zip Code)

478-737-1342 _____
(Work Number) (Home Number)

*no pictures of the pot hole are available because by the time I went back to take pictures (about 2 days later) the pot hole had been repaired.

10-R-0105

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