

Entered - 12-16-09 sb
CL 09L01008- GWENDOLYN BURNS

10- R -0179

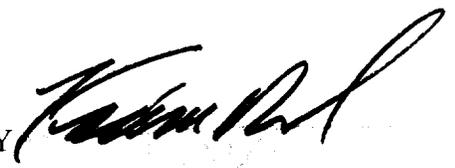
CLAIM OF: **INA L. RUSSELL**
5210 Roger Drive
Pinson, AL 35126

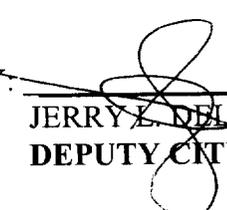
For vehicular damages alleged to have been sustained after driving over a pot hole on November 28, 2009 at Chattahoochee Avenue, NW & Permalume Place, NW.

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 **INA L. RUSSELL** the sum of **\$648.91** as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained after driving over a pot hole on November 28, 2009 at Chattahoochee Avenue, NW & Permalume Place, NW 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



BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

FAVORABLE REPORT

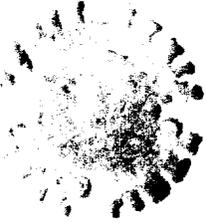
PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE 1/26/10
CHAR [Signature]
[Signature]
[Signature]
[Signature]

ADOPTED BY
FEB 01 2010
COUNCIL

FEB 01 2010

FEB 01 2010



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

10-R-0179

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 **Ina L. Russell** the sum of **\$648.91** 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 sustained as a result of **driving over a pot hole on November 28, 2009 at Chattahoochee Avenue, N.W. & Permalume Place N.W.** as is more particularly set forth in the within claim; said sum taken from and charged to Account **1001/200101/5212005/1512000.**

A true copy,

A handwritten signature in black ink, appearing to be "Kasim Reed", written over the text "A true copy,".

Deputy Clerk

**ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed**

**FEB 01, 2010
FEB 09, 2010**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 09L1008

Date: December 30, 2009

Claimant /Victim INA L. RUSSELL
BY: (Atty) (Ins. Co.)
Address: 5210 Roger Drive, Pinson, AL 35126
Subrogation: Claim for Property damage \$ 1,237.82 Bodily Injury \$
Date of Notice: 12/11/09 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/28/09 Place: 1482 Chattahoochee Avenue, NW
Department PUBLIC WORKS Bureau: Office: Transportation Services
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant sustained vehicular damages when she drove over a pot hole in the road at the above-location. An investigation has determined that the City was on notice of a defect problem prior to the date of the claimant's incident but failed to properly repair the area.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures X Diagrams Reports: Police Dept Report X Other X
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 X Damages reasonable X
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]

INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 648.91 Adverse Account charged: General Fund X Water & Sewer Aviation
Claims Manager: Concur/date 01/06/10
Committee Action: Council Action

12/10

RECEIVED
OFFICE OF
MUNICIPAL CLERK

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

RE: CLAIM FOR DAMAGES

Today's Date: 11-30-09 PM 4:54

ENTERED - 12-16-09 - SB
09L1008 - G. BURNS

BURNS
12/15/09

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 1237.82 property and/or \$ — bodily injury for which I contend the City is liable.

1. Date of incident: 11/28/09 2. Time of incident: 1:20pm 3. Police called: NO

4. Location of incident (including street address): Chattahoochee Ave NW approx 1/10 mile before Hills Ave

5. Name of your insurance company: ALFA INS Policy No. A1326946 Southbound

6. State what and how incident occurred: Traveling South on Chattahoochee Ave in Right hand lane approx 1/10 mile before Hills Ave intersects due to traffic I could not avoid

Approx. 10 inch Dip Hole - both passenger side tires had to be replaced, vehicle towed & 2 Extra Day stay

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!

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: 2006 Chev. Pacifica AL 59954 AV Inak Russell
(Make) (Year) (Tag Number) (Driver's Name)

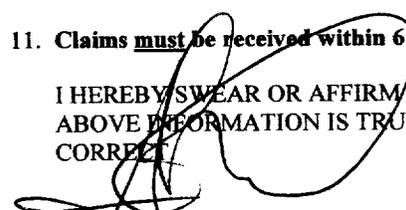
City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: Gay S. Lowry, Michael Lowry, Sandi Lowry, Ron Lowry & Dennis Gilmore

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


Signature of Claimant

Inak Russell
(Print Claimant's Name)

5210 Roger Drive
(Address)

Pinson, AL 35126
(City, State and Zip Code)

(205) 833-9754 (205) 213-1273
(Work Number) (Home Number)

10- R -0179

Ina L. Russell
5210 Roger Drive
Pinson, AL 35126
(205) 213-1273

November 30, 2009

Council of the City of Atlanta
Municipal Clerk
City Hall
55 Trinity Avenue, SW
Atlanta, GA 30303

Re: Claim for Damages

Good Day,

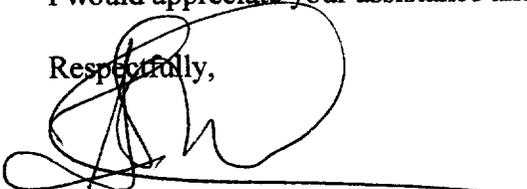
During this Thanksgiving holiday I was visiting family and shopping for Christmas. On, Saturday, November 28, 2009 (the last day of our scheduled visit) we were completing our shopping and returning to my sister's home to load our packages and travel back to our home. While traveling on Chattahoochee Avenue we were unable to avoid an approximately 10 inch hole in the right hand lane, due to traffic. This happened approximately 1/10 of a mile before Hills Avenue dead ends into Chatahoochee near the Pepsi plant. As a result of this we had to have my vehicle towed, at a cost of \$60.00 to the nearest reputable tire shop. Upon arrival at Kaufman Tires located on So. Cobb Dr. our thoughts were confirmed that two tires were damaged and had to be replaced. This resulted in additional 2 day stay and total tire replacement, due to the fact that my tires were not available and had to be shipped in on Monday morning. The cost of the total replacement was \$1177.82. A copy of this bill is enclosed.

I would respectfully request that I be reimbursed for the 2 damaged tires and towing as reflected in the amounts noted below:

Tires:	1177.82 / 2 =	588.91
Towing:		60.00
		<u>648.91</u>
Total Reimbursement requested		648.91

I would appreciate your assistance and prompt attention to this matter.

Respectfully,



Ina L. Russell

RCS# 42
2/01/10
2:07 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

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

CONSENT I

		02-01-10
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 10-O-0118	36. 10-R-0182	
2. 10-O-0119	37. 10-R-0183	
3. 10-O-0120	38. 10-R-0184	
4. 10-O-0121	39. 10-R-0185	
5. 10-O-0122	40. 10-R-0186	
6. 10-O-0123	41. 10-R-0187	
7. 10-O-0126	42. 10-R-0188	
8. 10-O-0127	43. 10-R-0189	
9. 10-O-0128	44. 10-R-0190	
10. 10-O-0129	45. 10-R-0191	
11. 10-O-0220	46. 10-R-0192	
12. 10-O-0221	47. 10-R-0193	
13. 10-O-0057	48. 10-R-0194	
14. 10-O-0135	49. 10-R-0195	
15. 10-R-0134	50. 10-R-0196	
16. 10-R-0162	51. 10-R-0197	
17. 10-R-0227	52. 10-R-0198	
19. 10-R-0164	53. 10-R-0199	
20. 10-R-0165	54. 10-R-0200	
21. 10-R-0166	55. 10-R-0201	
22. 10-R-0169	56. 10-R-0202	
23. 10-R-0170	57. 10-R-0203	
24. 10-R-0171	58. 10-R-0204	
25. 10-R-0222	59. 10-R-0205	
26. 10-R-0228		
27. 10-R-0173		
28. 10-R-0174		
29. 10-R-0175		
30. 10-R-0176		
31. 10-R-0177		
32. 10-R-0178		
33. 10-R-0179		
34. 10-R-0180		
35. 10-R-0181		