

Entered - 12-16-09 sb
CL 09L1005 - GWENDOLYN BURNS

10- R -0251

CLAIM OF: **DOROTHY WIGGINS AND
JOHN WIGGINS**
5264 Barrington Trace Drive
Atlanta, Georgia 30331

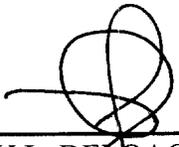
For vehicular damages alleged to have been sustained from a pothole on November 5, 2009 at Chattahoochee Avenue & Permalume Place, NW.

**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 **DOROTHY WIGGINS and JOHN WIGGINS** the sum of **\$1,148.20** 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 from a pothole on November 5, 2009 at Chattahoochee Avenue & 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: 

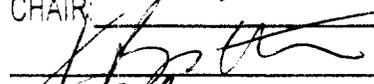
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

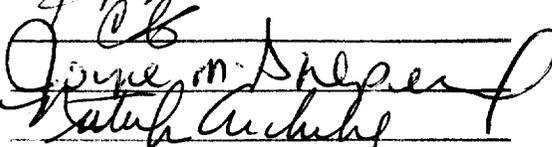
FAVORABLE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 2/9/10

CHAIR: _____





ADOPTED BY
FEB 15 2010
COUNCIL

FEB 15 2010





**MUNICIPAL CLERK
ATLANTA, GEORGIA**

10-R-0251

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 **Dorothy Wiggins and John Wiggins** the sum of **\$1,148.20** 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 from a **pothole on November 5, 2009 at Chattahoochee Avenue, & 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**.

A true copy

A handwritten signature in black ink, appearing to be "Lisa L. ...", written over the text "A true copy" and "Deputy Clerk".

Deputy Clerk

ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed

FEB 15, 2010
FEB 22, 2010

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 09L1005

Date: December 22, 2009

Claimant /Victim DOROTHY WIGGINS AND JOHN WIGGINS

BY: (Atty) (Ins. Co.)

Address: 5264 Barrington Trace Drive, Atlanta, Georgia 30331

Subrogation: Claim for Property damage \$ 1,148.20 Bodily Injury \$

Date of Notice: 12/7/09 Method: Written, Proper X Improper

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

Date of Occurrence 11/5/09 Place: Chattahoochee Avenue & Permalume Place, NW

Department PUBLIC WORKS Bureau: Office: Transportation Services

Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant's vehicle sustained damages when it was driven over a pothole in the road at the above-location. An investigation has determined that although the City was not on notice of the problem, the condition existed for such a length of time to show that the City had implied notice.

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 Damages reasonable X

City not involved Offer rejected Compromise settlement

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

Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,

[Signature]
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 1,148.20 Adverse Account charged: General Fund X Water & Sewer Aviation

Claims Manager: Concur/date 01/21/10

Committee Action: Council Action

RECEIVED
OFFICE OF
MUNICIPAL CLERK
2009 DEC - 10 3:09 PM
AM 10:16

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

TITLE: CLAIM FOR DAMAGES
Today's Date: 11/13/09

BURNS
12/15/09

Dear Municipal Clerk:

ENTERED - 12-16-09 - SB
09L1005 - G. BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 1,148.20 property and/or \$ _____ bodily injury for which I contend the City is liable.

- Date of incident: 11/05/09 2. Time of incident: 8:15 3. Police called: _____
- Location of incident (including street address): Corner of Chattahoochee Ave/Permalume
- Name of your insurance company: Progressive Policy No. 25733233-8
- State what and how incident occurred: While traveling down Chattahoochee Avenue, I hit a pothole on my left side. Because it was morning traffic and all lanes were filled, I could not avoid the pothole. I sustain two flat tires on the passenger side because of the pothole bending the rims.
- 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: BMW 2001 AHT 9152 Dorothy Wiggins
(Make) (Year) (Tag Number) (Driver's Name)

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

- Witness: _____
- 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

Dorothy Wiggins
Signature of Claimant

Dorothy Wiggins
(Print Claimant's Name)

5264 Barrington Trace Drive
(Address)

Atlanta, GA 30331
(City, State and Zip Code)

(404) 694-1339 678-595-3474
(Work Number) (Home Number)

RCS# 70
2/15/10
2:39 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

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

CONSENT I