

CLAIM OF: **MELITA MITCHELL**  
121 St. Marks Drive  
Stockbridge, Georgia 30281

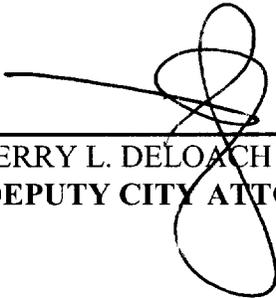
For vehicular damages alleged to have been sustained after driving over a pot hole on December 1, 2009 at 1480 Chattahoochee Avenue, NW.

**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 **MELITA MITCHELL** the sum of **\$1,048.00** 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 December 1, 2009 at 1480 Chattahoochee Avenue, 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



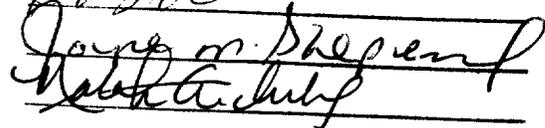
BY:   
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

**FAVORABLE REPORT**

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 2/9/10

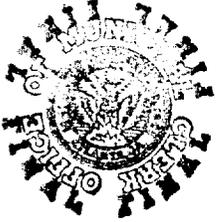
CHAR: \_\_\_\_\_

  
  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ADOPTED BY  
FEB 15 2010  
COUNCIL

FEB 15 2010





**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**10-R-0252**

**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 **Melita Mitchell** the sum of **\$1,048.00** 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 pothole on December 1, 2009 at 1480 Chattahoochee Avenue, 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

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. 10L0003

Date: January 26, 2010

Claimant /Victim MELITA MITCHELL
BY: (Atty) (Ins. Co.)
Address: 121 St. Marks Drive, Stockbridge, GA 30281
Subrogation: Claim for Property damage \$ 1,048.00 Bodily Injury \$
Date of Notice: 1/5/10 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 12/1/09 Place: 1480 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
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 \$ 1,048.09 Adverse Account charged: General Fund X Water & Sewer Aviation
Claims Manager: [Signature] Concur/date 01/27/10
Committee Action: Council Action

BURNS  
01/05/10  
F

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

RE: CLAIM FOR DAMAGES

Today's Date: 29 December 2009

ENTERED - 1-8-10 - SB  
10L0003 - G. BURNS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 1048.00 property and/or \$ 0 bodily injury for which I contend the City is liable.

- 1. Date of incident: 1 Dec 2009 2. Time of incident: 5:50pm 3. Police called: NO
- 4. Location of incident (including street address): near corner of Collier Rd and Chattahoochee Ave NW, in front of 1480 Chattahoochee Ave NW
- 5. Name of your insurance company: Allstate Policy No. 931983077

6. State what and how incident occurred: I was leaving work traveling down Chattahoochee Ave NW, the sun was almost down and my front right tire hit the pot hole near a gutter drain. It looked before hitting to be a dark spot on the street but once afterwards was a deep, sharp hole that pulled my front

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!

bumper and  
flatten my  
tire.

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 Scion ATQ 9272 Melita Mitchell  
(Make) (Year) (Tag Number) (Driver's Name)  
 City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: \_\_\_\_\_

10. The acknowledgment 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.

Melita Mitchell  
Signature of Claimant

Melita Mitchell  
(Print Claimant's Name)

121 St. Marks Drive  
(Address)

Stockbridge, GA 30281  
(City, State and Zip Code)

(678) 468-7011  
(Work Number) (Home Number)

10- R -0252

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

		02-15-10
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 10-O-0163	36. 10-R-0160	53. 10-R-0260
2. 10-O-0167	37. 10-R-0244	54. 10-R-0261
3. 10-O-0229	38. 10-R-0245	55. 10-R-0262
4. 10-O-0317	39. 10-R-0246	56. 10-R-0263
5. 10-O-0153	40. 10-R-0247	57. 10-R-0264
6. 10-O-0154	41. 10-R-0248	58. 10-R-0265
7. 10-O-0155	42. 10-R-0249	59. 10-R-0266
8. 10-O-0156	43. 10-R-0250	60. 10-R-0267
9. 10-O-0158	44. 10-R-0251	61. 10-R-0268
10. 10-O-0159	45. 10-R-0252	62. 10-R-0269
11. 10-O-0157	46. 10-R-0253	63. 10-R-0270
12. 10-R-0242	47. 10-R-0254	64. 10-R-0271
13. 10-R-0243	48. 10-R-0255	65. 10-R-0272
14. 10-R-0124	49. 10-R-0256	66. 10-R-0273
15. 10-R-0282	50. 10-R-0257	67. 10-R-0274
16. 10-R-0283	51. 10-R-0258	
17. 10-R-0284	52. 10-R-0259	
19. 10-R-0285		
20. 10-R-0286		
21. 10-R-0287		
22. 10-R-0295		
23. 10-R-0299		
24. 10-R-0300		
25. 10-R-0301		
26. 10-R-0302		
27. 10-R-0233		
28. 10-R-0234		
29. 10-R-0235		
30. 10-R-0236		
31. 10-R-0237		
32. 10-R-0238		
33. 10-R-0239		
34. 10-R-0240		
35. 10-R-0316		