

CLAIM OF: **KATHRYN Y. BOUCHILLON**
171 17th Street, Suite 1100
Atlanta, Georgia 30363

For vehicular damages alleged to have been sustained after driving over a pot hole on November 19, 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 **KATHRYN Y. BOUCHILLON** the sum of **\$888.09** 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 19, 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**.

ADOPTED BY
COUNCIL

FEB 15 2010

FEB 15 2010

APPROVED: **ROGER BHANDARI**
ACTING CITY ATTORNEY



BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

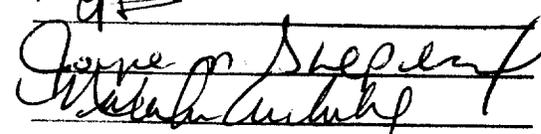


FAVORABLE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE 2/9/10

CHAIR _____







**MUNICIPAL CLERK
ATLANTA, GEORGIA**

10-R-0253

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 **Kathryn Y. Bouchillon** the sum of **\$888.09** 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 November 19, 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**.

A true copy

A handwritten signature in black ink, appearing to be "Kasim Reed", is 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. 09L1032

Date: December 30, 2009

Claimant /Victim KATHRYN Y. BOUCHILLON
BY: (Atty) (Ins. Co.)
Address: 171 17th Streets, Suite 1100, Atlanta, GA 30363
Subrogation: Claim for Property damage \$ 888.09 Bodily Injury \$
Date of Notice: 12/21/09 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/19/09 Place: Chattahoochee Avenue, NW & Permalume Place, 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 \$ 888.09 Adverse Account charged: General Fund X Water & Sewer Aviation
Claims Manager: [Signature] Concur/date 1/25/10
Committee Action: Council Action

Kathryn Y. Bouchillon
171 17th Street, Suite 1100
Atlanta, GA 30363
kbouchil@burr.com
Direct Dial: (404) 685-4280
Direct Fax: (404) 214-7383

ENTERED - 12-28-09 - SB
09L1032 - G. BURNS

RECEIVED

DEC 21 2009

CITY OF ATLANTA
DEPT OF LAW

December 7, 2009

VIA U.S. MAIL

City of Atlanta
Department of Public Works
Transportation Department
55 Trinity Avenue, SW
Suite 4700
Atlanta, GA 30303

BURNS
12/22/09


Re: Road Hazard

Dear Sir/Madam:

I am writing to inform you of damage that I sustained to my car as a result of dangerous road conditions existing on Chattahoochee Avenue near the intersection of Permalume Place. On November 19, 2009 at approximately 7:00 p.m., I was traveling on Chattahoochee Road when I struck a very large pothole which takes up over half of the lane of the roadway. Due to the time of evening and the composition of the pothole, I did not see the pothole until it was too late to avoid it. The pothole caused my tire to blow out and damaged my wheel. Since the damage to my wheel was so extensive I had to purchase a new tire and wheel, which cost me \$888.09. My car tires were new and had no prior damage, so if not for the pothole I would not have incurred this cost. As a result, I request a reimbursement in the amount of \$888.09 for the cost of the tire and wheel. I have enclosed pictures of the roadway taken the following day and a detailed bill of my expense. Please let me know if you have any questions or if there is any additional information that I can provide you. My phone number, work address and email are listed above.

Sincerely,


Kathryn Y. Bouchillon

Enclosures

10-R -0253

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		