

Entered - 7/24/09 - sb  
CL - 09L0548 - ANGELENA KELLY

CLAIM OF: Ryan Haney  
239 Grant Street, # 262  
Atlanta, GA 30312

For damages alleged to have been sustained as a result of driving over a pothole on May 10, 2009 at 626 Dekalb Avenue.

BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Ryan Haney** the sum of **\$868.85** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of driving over a pothole on May 10, 2009 at 626 Dekalb Avenue 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: \_\_\_\_\_

[Signature]

[Signature]

[Signature]

\_\_\_\_\_

\_\_\_\_\_

ADOPTED BY  
FEB 15 2010  
COUNCIL





**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

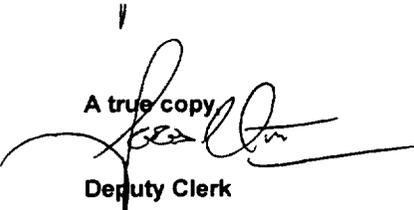
**10-R-0254**

**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 **Ryan Haney** the sum of **\$868.85** 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 May 10, 2009 at 626 Dekalb Avenue** 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. 09L0548

Date: January 12, 2010

Claimant /Victim: Ryan Haney

BY:(Atty)(Ins. Co.) \_\_\_\_\_

Address: 239 Grant Street, # 262, Atlanta, GA 30312

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 889.53 Bodily Injury \$ 300.00

Date of Notice: 7/21/09 Method: Written, proper X Improper \_\_\_\_\_

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

Date of Occurrence: 5/10/09 Place: 626 Dekalb Avenue

Department: Public Works Bureau: \_\_\_\_\_ Office: Transportation

Employee involved: \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges he sustained damage to his vehicle when he drove over a pothole at the above location. The investigation determined that although the City had no actual notice of any problems, the condition of the pothole indicates the condition had existed for a length of time that notice of same is implied.

INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures X Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_

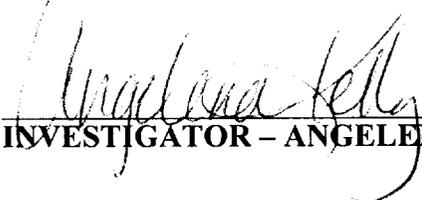
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement X

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

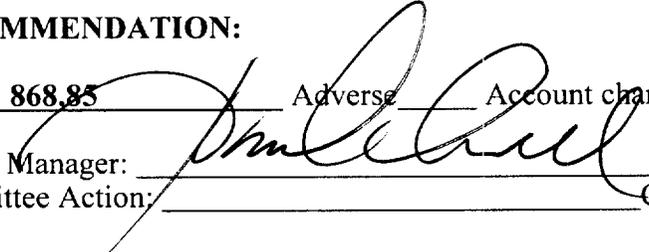
Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - ANGELENA KELLY

RECOMMENDATION:

Pay \$ 868.85 Adverse \_\_\_\_\_ Account charged: General Fund X Water & Sewer \_\_\_\_\_ Aviation \_\_\_\_\_

Claims Manager:  Concur/date 1/25/10

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RECEIVED  
OFFICE OF  
MUNICIPAL CLERK

Post Date NPM  
By [Signature]

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

2009 JUL 21 PM 2:17

RE: CLAIM FOR DAMAGES

Today's Date: 7.16.2009

ENTERED - 7-24-09 - SB  
09L0548 - A. KELLY

*Kelly*  
*07/23/09*  
*[Signature]*  
*cc: 09L0445*

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 889.53 property and/or \$ 300.00 bodily injury for which I contend the City is liable.

- Date of incident: 5.10.2009 2. Time of incident: 5:30PM 3. Police called: N/A
- Location of incident (including street address): 626 DeKalb Ave.; Atlanta, GA 30312
- Name of your insurance company: Progressive Policy No. 20612374-4
- State what and how incident occurred: Driving East on DeKalb Avenue at 30mph, I unavoidably hit a deep pothole. There was a biker to my right and a car to my left. Upon realizing what had happened, I took pictures of the damage and of the pothole. My wheel frame was bent, my tire was blown out, and my front, right head-lamp and two teeth were cracked.

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: Mitsubichi 2001 GT637I Ryan Michael Haney  
(Make) (Year) (Tag Number) (Driver's Name)

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

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

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]  
Signature of Claimant

Ryan M. Haney  
(Print Claimant's Name)

239 Grant St. SE Apt# 262  
(Address)

Atlanta, GA 30312  
(City, State and Zip Code)

(404)906-9112  
(Work Number) (Home Number)

10- R -0254

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