

Entered - 11/18/09 - sb
CL - 09L0894 - Angelena Kelly

10-R-0349

Claim of: Jules Zigah
7736 Arboretum Drive, # 208
Charlotte, NC 28270

MAR 01 2010

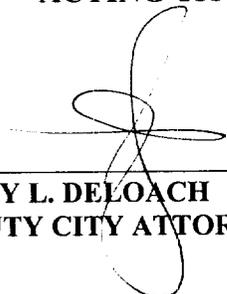
For damages alleged to have been sustained as a result of driving over a recessed manhole on October 24, 2009 at 650 Ponce de Leon Avenue.

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 **Jules Zigah** the sum of **\$1,190.25** 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 recessed manhole on October 24, 2009 at 650 Ponce de Leon Avenue as is more particularly set forth in the within claim; said sum taken from and charged to account **5051.170201.5750002.4310000**.

APPROVED: **ROGER BHANDARI**
ACTING CITY ATTORNEY

BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY



FAVORABLE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 2/23/10

CHAIR [Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

RECEIVED
MAR 01 2010
City of Atlanta
Department of Law

ADOPTED BY
MAR 01 2010
COUNCIL





**MUNICIPAL CLERK
ATLANTA, GEORGIA**

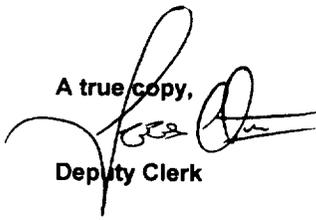
10-R-0349

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 **Jules Zigah** the sum of **\$1,190.25** 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 recessed manhole on October 24, 2009 at 650 Ponce de Leon Avenue** as is more particularly set forth in the within claim; said sum taken from and charged to Account **5051/170201/5750002/4310000**.

A true copy,



Deputy Clerk

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

**MAR 01, 2010
MAR 09, 2010**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 09L0894

Date: January 27, 2010

Claimant /Victim: Jules Zigah

BY:(Atty)(Ins. Co.) _____

Address: 7736 Arboretum Drive, # 208, Charlotte, NC 28270

Subrogation: _____ Claim for Property damage: \$1,203.40 Bodily Injury \$ _____

Date of Notice: 11/6/09 Method: Written, proper X Improper _____

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

Date of Occurrence: 10/24/09 Place: 650 Ponce De Leon Avenue

Department: Watershed Management Bureau: _____ Office: Drinking Water

Employee involved: _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that his vehicle was damaged due to driving over a recessed manhole. The investigation determined that although the City had no actual notice of any problems, the condition of the manhole 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 _____ 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 _____

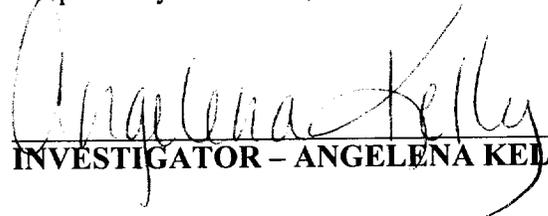
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement X

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

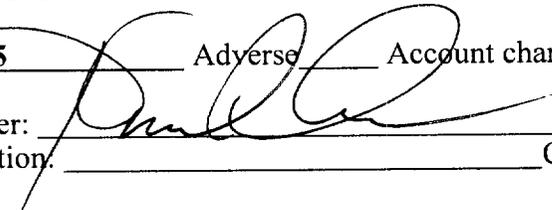
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - ANGELENA KELLY

RECOMMENDATION:

Pay \$ 1,190.25 Adverse _____ Account charged: General Fund _____ Water & Sewer X Aviation _____

Claims Manager:  Concur/date 02/11/10

Committee Action: _____ Council Action _____

RECEIVED
OFFICE OF
MUNICIPAL CLERK
2009 NOV -6 PM 5:1

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

RE: CLAIM FOR DAMAGES

Today's Date: 11/3/09

Ikelly
11/13/09

Dear Municipal Clerk:

ENTERED - 11-18-09 - SB
09L0894 - A. KELLY

This is to notify the City of Atlanta that I have suffered damages in the amount of \$1,203.40 property and/or \$ bodily injury for which I contend the City is liable.

- 1. Date of incident: 10/24/09 2. Time of incident: 2:40pm 3. Police called: No.
- 4. Location of incident (including street address): Near Whole Food Market. Between Ponce de Leon Pl & Bonaventure Ave. on Ponce de Leon Ave (See map)
- 5. Name of your insurance company: Geico Policy No. 4144-01-58-41

6. State what and how incident occurred: I was driving along Ponce de Leon in the left lane. I noticed a huge pothole after I passed Whole Food store. The pothole caused me to have two bent rims and two damaged tires. See Attachments.

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!

(Passenger front & rear tires)

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: MA 2003 NYKNIX Jules Ziaah
(Make) (Year) (Tag Number) (Driver's Name)

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

9. Witness: Shawn Johnson (704) 651-1353

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.

[Handwritten Signature]
Signature of Claimant

Jules Ziaah
(Print Claimant's Name)

7736 Asburdum Dr #208
(Address)

Charlotte NC, 28270
(City, State and Zip Code)

704.554.5590 704.756.0123
(Work Number) (Home Number)

10- R -0349

RCS# 99
3/01/10
2:54 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 2
ABSENT 0

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

CONSENT I

| | | 03-01-10 |
|--------------------------|--------------------------|--------------------------|
| ITEMS ADOPTED ON CONSENT | ITEMS ADOPTED ON CONSENT | ITEMS ADVERSE ON CONSENT |
| 1. 10-O-0275 | 36. 10-R-0350 | 42. 10-R-0356 |
| 2. 10-O-0276 | 37. 10-R-0351 | 43. 10-R-0357 |
| 3. 10-O-0277 | 38. 10-R-0352 | 44. 10-R-0358 |
| 4. 10-O-0278 | 39. 10-R-0353 | 45. 10-R-0359 |
| 5. 10-O-0279 | 40. 10-R-0354 | 46. 10-R-0360 |
| 6. 10-O-0289 | 41. 10-R-0355 | 47. 10-R-0361 |
| 7. 10-O-0290 | | 48. 10-R-0362 |
| 8. 10-O-0291 | | 49. 10-R-0363 |
| 9. 10-O-0292 | | 50. 10-R-0364 |
| 10. 10-O-0293 | | 51. 10-R-0365 |
| 11. 10-O-0294 | | 52. 10-R-0366 |
| 12. 10-O-0296 | | 53. 10-R-0367 |
| 13. 10-O-0241 | | 54. 10-R-0368 |
| 14. 10-O-0307 | | 55. 10-R-0369 |
| 15. 10-R-0334 | | 56. 10-R-0370 |
| 16. 10-R-0335 | | 57. 10-R-0371 |
| 17. 10-R-0390 | | 58. 10-R-0372 |
| 19. 10-R-0395 | | 59. 10-R-0373 |
| 20. 10-R-0407 | | 60. 10-R-0374 |
| 21. 10-R-0411 | | 61. 10-R-0375 |
| 22. 10-R-0394 | | 62. 10-R-0376 |
| 23. 10-R-0396 | | 63. 10-R-0377 |
| 24. 10-R-0338 | | 64. 10-R-0378 |
| 25. 10-R-0339 | | 65. 10-R-0379 |
| 26. 10-R-0340 | | 66. 10-R-0380 |
| 27. 10-R-0341 | | 67. 10-R-0381 |
| 28. 10-R-0342 | | 68. 10-R-0382 |
| 29. 10-R-0343 | | 69. 10-R-0383 |
| 30. 10-R-0344 | | 70. 10-R-0384 |
| 31. 10-R-0345 | | 71. 10-R-0385 |
| 32. 10-R-0346 | | |
| 33. 10-R-0347 | | |
| 34. 10-R-0348 | | |
| 35. 10-R-0349 | | |