

Entered - 2-2-10 sb
CL 10L0073 - GWENDOLYN BURNS

10- R -0437

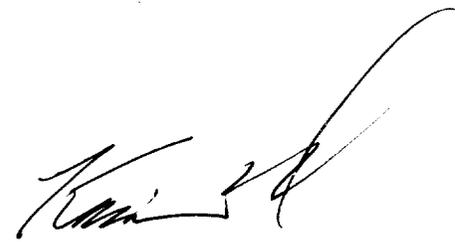
CLAIM OF: **WHEELS, INC.**
P.O. Box 5046
Des Plaines, IL 60017

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 **WHEELS, INC.** the sum of **\$1,484.96** 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.**

APPROVED: **ROGER BHANDARI**
ACTING CITY ATTORNEY



BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

FAVORABLE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 3/9/10

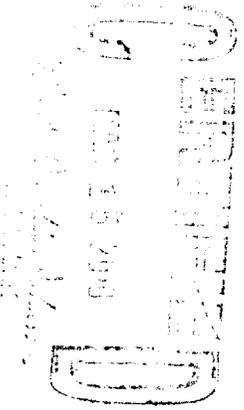
CHAIR: [Signature]

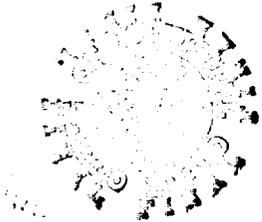
[Signature]

[Signature]

ADOPTED BY
MAR 15 2010
COUNCIL

MAR 15 2010





**MUNICIPAL CLERK
ATLANTA, GEORGIA**

10-R-0437

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 **Wheels, Inc** the sum of **\$1,484.96** 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 after 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,

Khonda Dauphin Johnson
Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED by Mayor kasim Reed

MAR 15, 2010
MAR 23, 2010

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 10L0073

Date: February 11, 2010

Claimant /Victim WHEELS, INC.
BY: (Atty) (Ins. Co.) C/O Nicole Anaya
Address: P.O. Box 5046, Des Plaines, IL 60017
Subrogation: Claim for Property damage \$ 1,484.96 Bodily Injury \$
Date of Notice: 1/19/10 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/11/09 Place: Chattahoochee Avenue, NW & Permalume Place, NW
Department PUBLIC WORKS Bureau: Office: Transportation Services
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant's vehicle sustained damages after being driven 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 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 \$ 1,484.96 Adverse Account charged: General Fund X Water & Sewer Aviation
Claims Manager: Concur/date 02/11/10
Committee Action: Council Action

RECEIVED
OFFICE OF
MUNICIPAL CLERK

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

2010 JAN 19 PM 4:23

RE: CLAIM FOR DAMAGES
Today's Date: 1/16/10

ENTERED - 2-2-10 - SB
10L0073 - G. BURNS

BURNS
01/26/10
[Signature]

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$1,484.96 property and/or \$ N/A bodily injury for which I contend the City is liable.

- Date of incident: 11/11/2009 2. Time of incident: 6:45 pm 3. Police called: NO
- Location of incident (including street address): Chattahoochee Ave & Permalume Pl.
- Name of your insurance company: Wheels Inc (self insured) Policy No. A3612
- State what and how incident occurred: Mandee was traveling westbound on Chattahoochee Ave. when she struck a very large pothole. We also have video regarding the severity of the pothole from the local news if needed for your investigation. Both passengers side wheels were damaged in this incident.

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 Ford Five Hundred B1M8706(GA) Mandee Hovey
(Make) (Year) (Tag Number) (Driver's Name)

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

9. Witness: N/A

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.

Nicole Anaya
Signature of Claimant

Nicole Anaya for Wheels, Inc.
(Print Claimant's Name)

P.O. Box 5046
(Address)

Des Plaines, IL 60017
(City, State and Zip Code)

847-544-4611
(Work Number) (Home Number)

10-R-0437

RCS# 124
3/15/10
2:18 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

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

CONSENT I