

Entered - 1-8-10 sb
CL 10L0002 - GWENDOLYN BURNS

10- R -0439

CLAIM OF: **GERALDINE P. RIVERS**
1421 Willow Trail, SW
Atlanta, Georgia 30311

For vehicular damages alleged to have been sustained after driving over a pot hole on November 7, 2009 at 2067 Delowe Drive, SW.

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 **GERALDINE P. RIVERS** the sum of **\$823.42** 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 7, 2009 at 2067 Delowe Drive, SW 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
DEPT. OF LAW
FAVORABLE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 3/9/10

CHAIR: _____

ADOPTED BY
MAR 15 2010
COUNCIL

MAR 15 2010





**MUNICIPAL CLERK
ATLANTA, GEORGIA**

10-R-0439

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 **Geraldine P. Rivers** the sum of **\$823.42** 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 pot hole **on November 7, 2009 at 2067 Delowe Drive, SW** 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,

Rhonda Daughkin 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. 10L0002

Date: January 27, 2010

Claimant /Victim GERALDINE P. RIVERS
BY: (Atty) (Ins. Co.)
Address: 1421 Willow Trail, SW, Atlanta, GA 30311-
Subrogation: Claim for Property damage \$ 823.42 Bodily Injury \$
Date of Notice: 12/30/09 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/7/09 Place: 2067 Delowe Drive, SW
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,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 823.42 Adverse Account charged: General Fund X Water & Sewer Aviation
Claims Manager: Concur/date 02/17/10
Committee Action: Council Action

RECEIVED

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

DEC 30 2009

RE: CLAIM FOR DAMAGES

Today's Date: 12/14/09

CITY OF ATLANTA
DEPT OF LAW

ENTERED - 1-8-10- SB
10L00C2 - G. BURNS

BURNS

01/05/10

Dear Municipal Clerk:

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

- Date of incident: 11/7/09 2. Time of incident: 1:00 PM 3. Police called: NO
- Location of incident (including street address): Texaco Food Mart - 2067 Delowe Dr.
- Name of your insurance company: GEICO Ins. CO. Policy No. 0251-93-82-0530341
- State what and how incident occurred: My front right tire went into a deep pot hole, this caused a front cut under my front bumper.

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: 2007 Impala chev/AW0484 Geraldine P. Rivers
(Make) (Year) (Tag Number) (Driver's Name)

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

9. Witness: NO 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.

Geraldine P. Rivers
Signature of Claimant

Geraldine P. Rivers
(Print Claimant's Name)

1421 W. Howell Trl. S.W.
(Address)

Atlanta, Ga. 30311-3519
(City, State and Zip Code)

(4) 755-8254
(Work Number) (Home Number)

10- R -0439

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