

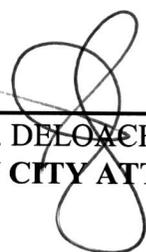
Entered - 4-19-10 sb
CL 10L0371 - GWENDOLYN BURNS

CLAIM OF: **ALYCE JACKSON**
134-A Walker Street, SW
Atlanta, Georgia 30313

10-R-1000

For vehicular damages alleged to have been sustained after driving over a construction site that was left open and in an unsafe manner on March 3, 2010 at Piedmont Avenue, NE & Westminster Drive, NE.

THIS ADVERSED REPORT IS APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

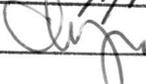
Filed
JUN 21 2010

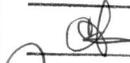
CERTIFIED
JUN 21 2010
ATLANTA CITY COUNCIL PRESIDENT


ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 6/1/10

CHAIR: 

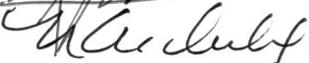

Joyce M. Sheperd
Jadren

PSLA
6/15/10

File


Jadren


Joyce M. Sheperd



CERTIFIED
JUN 21 2010
Rhonda Daughin Johnson
MUNICIPAL CLERK

Refer to Public Safety by full Council 6/17/10

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 10L0371

Date: April 28, 2010

Claimant /Victim ALYCE JACKSON
BY: (Atty) (Ins. Co.)
Address: 134-A Walker Street, SW, Atlanta, Georgia 30313
Subrogation: Claim for Property damage \$ 3,395.24 Bodily Injury \$
Date of Notice: 4/14/10 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 3/3/10 Place: Piedmont Avenue, NE & Westminster Drive, NE
Department Bureau: Office:
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that she sustained vehicular damages after driving over a construction site that was left in an open and unsafe manner. However, an investigation has determined that Atlanta Gas Light Company performed the work at the subject location. The claimant has been advised and the claim has been forwarded to Atlanta Gas Light for resolution.

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 Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved X Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

G. Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Manager: Concur/date 05/03/10
Committee Action: Council Action

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

RECEIVED
OFFICE OF
MUNICIPAL CLERK
2010 APR 14 AM 9:17

RE: CLAIM FOR DAMAGES
Today's Date: 3/29/10

BURNS
04/16/10

ENTERED - 4-19-10 -SB
10L0371 - G. BURNS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 3,395.24 property and/or \$ _____ bodily injury for which I contend the City is liable.

- Date of incident: 3/3/10 2. Time of incident: 12:00 3. Police called: NO
- Location of incident (including street address): PIEDMONT & WESTMINSTER
- Name of your insurance company: STATE FARM Policy No. 903 2835-212-110
- State what and how incident occurred: See attached

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: 2006 BMW AEB 9131 ALYCE JACKSON
(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.

Alyce Jackson
Signature of Claimant

ALYCE JACKSON
(Print Claimant's Name)

134 A WALKER ST. SW
(Address)

ATLANTA, GA 30313
(City, State and Zip Code)

678-904-2368 404-525-7572
(Work Number) (Home Number)

On Wednesday, March 3, 2010 at approximately 12 noon I was driving North on Piedmont and hit a pothole at the corner of Piedmont and Westminster. There were no cones or warning devices in place. I proceeded to 1447 Piedmont where I parked because the noise from my front end indicated a non-drivable problem. I called a tow truck and waited. While waiting for the tow truck I talked to the Men's Ware employee at 1447 Piedmont and he mentioned that the pothole had had a metal cover but he had no idea what happened to it. I then noticed a white pick-up truck (I assume it was a City of Atlanta vehicle) stop in front of the pothole with emergency lights flashing. The truck stopped at approximately 12:30. At approximately 12:45pm, warning cones were placed around the pothole. When I returned on Thursday, March 4, the pothole was repaired.

Between the time the metal plate covering the pothole was removed and the City of Atlanta chose to put down barricades my car was damaged and rendered not drivable. With no warnings, signage, barricades or other warning devices I believe the City is responsible for the attached damages and repairs.

A handwritten signature in cursive script, reading "Alyce Jackson". The signature is written in black ink and is centered on the page.

RCS# 363
6/21/10
7:12 PM

Atlanta City Council

REGULAR SESSION

10-R-1000 CLAIM OF ALYCE JACKSON FOR DAMAGES ALLE-
GED FROM DRIVING OVER CONSTRUCTION SITE
FILE

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

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