



CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

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ATLANTA, GEORGIA 30303
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May 13, 2013

Scott Peters
5520 Claire Rose Lane
Atlanta, Georgia 30327

13-R-3050

Dear Mr. Peters:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on May 3, 2013.

In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 13L0092

Date: March 18, 2013

Claimant /Victim: Scott Peters

BY:(Atty)(Ins. Co.)

Address: 5520 Claire Rose Lane, Atlanta, GA 30327

Subrogation: Claim for Property damage \$ 613.36 Bodily Injury \$

Date of Notice: 2/20/13 Method: Written, proper X Improper

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

Date of Occurrence: 2/11/12 Place: 3802 Roswell Road

Department: Bureau: Office:

Employee involved: Disciplinary Action:

NATURE OF CLAIM: The claimant alleges property damage sustained when he drove over a pothole at the above location. However, the investigation determined that this location is maintained by the state and has been forwarded to the Georgia Department of Transportation for handling. The claimant has been advised to pursue his claim with the Georgia Department of Transportation.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police Dept Report Other

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 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,

[Signature]
INVESTIGATOR - A. KELLY

RECOMMENDATION:

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

Claims Director/Manager: [Signature] Concur/date 3/27/13

Deputy City Attorney: Concur/date

Committee Action: Council Action

Council of the City of Atlanta

2/14/13

Municipal Clerk

City Hall

55 Trinity Avenue, SW

Atlanta, GA 30303

RECEIVED - REC'D
FEB 20 2013

ENTERED - 2-26-13 - SB
13L0092 - A. KELLY

2013 FEB 18
Kelly
2/21/13
AK

Dear Municipal Clerk:

I am attaching for your review and prompt payment: the completed claim form, 5 photos of pothole situation and damage to my vehicle, an estimate from Butler Tire, and invoices from Georgia Tire Depot and Global BMW. The total of my claim is \$613.36. Your prompt reimbursement of my expenses is greatly appreciated.

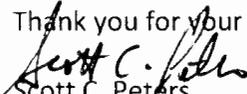
New
2/21/13
CAC

To explain, on 2/11/12, I was driving South on Roswell Road (3800 block) approaching the intersection of Roswell Road and Piedmont Road in the City of Atlanta. It was raining and at about 5:15 pm (Rush Hour). My 2007 BMW hit a hazardous pothole (see photos attached) which was filled with water and sustained damage to my tire, minor damage to the rim, and broken piece on my undercarriage (tomahawk). As you can see from the photos, the pothole is well into the right hand lane and you can see both water in the hole as well as asphalt debris on the road from the pothole. You can also see the traffic pattern for perspective. The other photos show the tire hole/bubble/damage, the undercarriage damage and pieces of the plastic undercarriage that had to be replaced/repared. Since my tire was badly damaged, I returned directly to my home which is only a few miles away. I was not able to drive the car on 2/12/13.

On 2/13/12 I obtained estimates and had repairs completed. I have also attached an estimate for the tire/rim damage of \$895.17 from Butler Tire. I also went to Georgia Tire Depot and received a much lower quote for the tire/rim/alignment work for \$505.66 and since I was told that I could not drive the car in such a damage/unsafe situation, I took the lower bid and got the work done on 2/13/12. Since the tire stores do not repair undercarriage (only the manufacturer has those parts, BMW), I went to Global BMW and got the undercarriage repaired for a total of \$107.70. All estimates and paid invoices are attached for your review.

Please feel free to call me at 404-713-5361 or email me at petesmo1@comcast.net so that we can get this matter settled and I can get reimbursed for my expenses soon.

Thank you for your quick action in this matter.


Scott C. Peters

404-713-5361

Petesmo1@comcast.net

+

		05-06-13
ITEMS ADOPTED ON CONSENT	ITEMS ADOPDED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 13-O-0599	40. 13-R-3103	77. 13-R-3043
2. 13-O-0629	41. 13-R-3104	78. 13-R-3044
3. 13-O-0643	42. 13-R-3085	79. 13-R-3045
4. 13-O-0119	43. 13-R-3086	80. 13-R-3046
5. 13-O-0632	44. 13-R-3087	81. 13-R-3047
6. 13-O-0639	45. 13-R-3088	82. 13-R-3048
7. 13-O-0638	46. 13-R-3089	83. 13-R-3049
8. 13-O-0640	47. 13-R-3090	84. 13-R-3050
9. 13-O-0648	48. 13-R-3014	85. 13-R-3051
10. 13-O-0592	49. 13-R-3015	86. 13-R-3052
11. 13-O-0628	50. 13-R-3016	87. 13-R-3053
12. 13-O-0630	51. 13-R-3017	88. 13-R-3054
13. 13-R-3091	52. 13-R-3018	89. 13-R-3055
14. 13-R-3092	53. 13-R-3019	90. 13-R-3056
15. 13-R-3094	54. 13-R-3020	91. 13-R-3057
16. 13-R-3095	55. 13-R-3021	92. 13-R-3058
17. 13-R-3096	56. 13-R-3022	93. 13-R-3059
18. 13-R-3097	57. 13-R-3023	94. 13-R-3060
19. 13-R-3093	58. 13-R-3024	95. 13-R-3061
20. 13-R-3098	59. 13-R-3025	96. 13-R-3062
21. 13-R-3100	60. 13-R-3026	97. 13-R-3063
22. 13-R-3101	61. 13-R-3027	98. 13-R-3064
23. 13-R-3106	62. 13-R-3028	99. 13-R-3065
24. 13-R-3003	63. 13-R-3029	100. 13-R-3066
25. 13-R-3004	64. 13-R-3030	101. 13-R-3067
26. 13-R-3005	65. 13-R-3031	102. 13-R-3068
27. 13-R-3006	66. 13-R-3032	103. 13-R-3069
28. 13-R-3007	67. 13-R-3033	104. 13-R-3070
29. 13-R-3008	ITEMS ADVERSED ON	105. 13-R-3071
30. 13-R-3009	CONSENT	106. 13-R-3072
31. 13-R-3010	68. 13-R-3034	107. 13-R-3073
32. 13-R-3011	69. 13-R-3035	108. 13-R-3074
33. 13-R-3013	70. 13-R-3036	109. 13-R-3075
34. 13-R-3000	71. 13-R-3037	110. 13-R-3076
35. 13-R-3001	72. 13-R-3038	111. 13-R-3077
36. 13-R-3002	73. 13-R-3039	112. 13-R-3078
37. 13-R-3083	74. 13-R-3040	113. 13-R-3079
38. 13-R-3084	75. 13-R-3041	114. 13-R-3080
39. 13-R-3102	76. 13-R-3042	115. 13-R-3081
		116. 13-R-3082