

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 14L0365

Date: September 12, 2014

Claimant /Victim BURKE DECESARE
BY: (Atty) (Ins., Co.)
Address: 3460 Kingsboro Road NE, Unit # 738, Atlanta, Georgia 30326
Subrogation: Claim for Property damage \$ 504.84 Bodily Injury \$
Date of Notice: 5/13/14 Method: Written, Property X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 3/11/14 Place: 2809 Peachtree Road
Department Bureau: Office:
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges property damage sustained after driving over traffic monitoring equipment in the roadway. The investigation has determined that Peachtree Road is a state route that is owned and operated by the State of Georgia, Department of Transportation. The claimant has been advised to pursue his claim with the State of Georgia, Department of Transportation.

INVESTIGATION:

Statements: City employee Claimant X Others X Written Oral X
Pictures X Diagrams Reports: Police X Dept Report 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,

WARREN HAYES
INVESTIGATOR - WARREN HAYES

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Director/Manager: Cable Concur/date 9/18/14
Deputy City Attorney: L. Brown Concur/date 9/23/14
Committee Action: Council Action

MAY 14 2014

RECEIVED - REC'D

RECEIVED OFFICE OF MUNICIPAL CLERK

MAY 13 AM 9:20 CLAIM FOR DAMAGES

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

Today's Date: 3/12/14

ENTERED - 5-22-14 - SB
14L0365 - W. HAYES

Assign to WEBH
CAC 5/19/14

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 504.84 property and/or \$ 0 bodily injury for which I contend the City is liable.

- 1. Date of incident: 3/11/14 2. Time of incident: 1:50 PM 3. Police called: Yes
- 4. Location of incident (including street address): 2809 Peachtree Rd. NE ATL GA
- 5. Name of your insurance company: State Farm Policy No. 3317067-E01-11B

6. State what and how incident occurred:

Driving northbound on Peachtree Road some of the loose traffic monitoring equipment was pulled up into my car. The nails used to hold down the cables had become loose and as a result punctured my automobile's front tire on the driver's side, thereby completely destroying that tire. Part of the unfastened cable was also wrapped around the axle of my automobile.

Upon inspection at the dealership, the auto mechanics determined that the tire had sustained irreparable damage beyond repairs which required a new tire to be installed before the car can be operated safely. (Please see attached police report for additional information.)

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: BMW 2011 A006921 Burke DeCesare
(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.

[Signature]
Signature of Claimant

Burke DeCesare
(Print Claimant's Name)

3460 Kingsboro Rd. NE Apt 738
(Address)

Atlanta, GA 30326
(City, State and Zip Code)

678-685-9636 678-654-0279
(Work Number) (Home Number)



CITY OF ATLANTA

DEPARTMENT OF LAW

SUITE 4100 • CITY HALL TOWER
68 MITCHELL STREET, S.W., ATLANTA, GEORGIA 30303-3520
(404) 330-6400

KASIM REED
MAYOR

CATHY HAMPTON
CITY ATTORNEY

bblanding@atlantaga.gov
(404) 330-6488

October 3, 2014

Burke Decesare
3460 Kingsboro Road N E
Atlanta, Georgia 30326

RE: **Claim Number:** **14L0365**
 Date of Incident: **03/11/14**
 Location: **2809 Peachtree Road NE**

Dear Mr. Decesare:

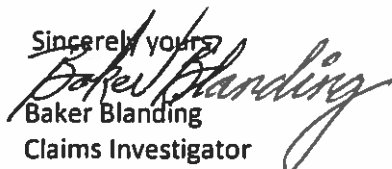
Please be advised that the above location is considered a state route and is operated and maintained by the State of Georgia, Department of Transportation and not the City of Atlanta.

While this office sincerely regrets any loss sustained by you, we must deny any liability for your claim and refer you to the State of Georgia to research the matter, and preserve your cause of action. By copy of this letter, your claim is being forwarded to the following address:

Mr. Charles Welmaker, District Safety Manager
State of Georgia, Department of Transportation
5025 New Peachtree Road, NE
Chamblee, Georgia 30341-3193
Telephone: (770) 986-1011

To preserve your claim you must file and official claim with the State of Georgia within one year of the date of your incident. For further assistance in the State's claim process, you may contact Risk Management at (404) 463-8843.

Sincerely yours,


Baker Blanding
Claims Investigator

Addendum

#6: Driving northbound on Peachtree Road some of the loose traffic monitoring equipment was pulled up into my car. The nails used to hold down the cables had become loose and as a result punctured my automobile's front tire on the driver's side; thereby completely destroying that tire. Part of the unfastened cable was also wrapped around the axel of my automobile. Upon inspection at the dealership, the auto mechanics determined that the tire had sustained irreparable damage beyond repairs which required a new tire to be installed before the car can be operated safely. (Please see attached police report for additional information.)