

Entered - 5-12-98- sb
CL 98L0321 - ALEXIS HOLMES

CLAIM OF: **DIANE MAKEDA JOHNSON**
929 Jett Street
Atlanta, Georgia 30314

01- R -1244

For vehicular damages alleged to have been sustained as a result of driving over a sunken sewer lid entrenched within a pothole on November 4, 1997 at Montrose Avenue and Delowe Drive.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **DIANE MAKEDA JOHNSON** the sum of **\$1,575.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character **for damages alleged to have been sustained as a result of driving over a sunken sewer lid entrenched within a pothole on November 4, 1997 at Montrose Avenue and Delowe Drive** as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

FAVORABLE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: **SEP 04 2001**

CHAIR: *C. T. Martin*

[Signature]

[Signature]

[Signature]

ADOPTED BY

SEP 04 2001

COUNCIL

CERTIFIED
SEP 04 2001
Rosalind Rubens Newell
MUNICIPAL CLERK

CERTIFIED
SEP 04 2001
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

APPROVED

SEP 13 2001

WITHOUT SIGNATURE
BY OPERATION OF LAW



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

01-R-1244

A RESOLUTION

**BY PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Diane Makeda Johnson** in the sum of **\$1,575.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of **driving over a sunken sewer lid entrenched within a pothole on November 4, 1997 at Montrose Avenue and Delowe Drive** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

SEP 04, 2001

SEP 13, 2001

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 98L0321

Date: 7/16/01

Claimant /Victim DIANE MAKEDA JOHNSON
BY: (Atty)(Ins.)
Address: 929 Jett Street Atlanta Georgia 30314
Subrogation: Claim for Property damage \$ 1,575.00 Bodily Injury \$
Date of Notice: 4/27/98 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/4/97 Place: Montrose and Delowe
Department Public Works Division: Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant sustained damages to her vehicle when she drove over a sunken steel sewer cover that was entrenched within a pothole in the road. The condition of the pothole implied that it had been in poor repair, and that the defect had existed for an extended period of time. The maintenance of sewer lids were within the jurisdiction and the responsibility of the City at the time of this incident.

INVESTIGATION:

Statements: City employee Claimant X Other Written X Oral
Pictures X 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 X
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,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ 1,575.00 Adverse Account charged: 1A01 2J01 X 2H01
Claims Manager: Concur/date 07-17-01
Committee Action: Council Action

RCS# 3092
9/04/01
3:36 PM

Atlanta City Council

Regular Session

MULTIPLE Public Safety Consent Agenda except #15

1244

ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

MULTIPLE