Entered - 10/17/01 - sb
CL 01L0654 - GWENDOLYN BURNS

CLAIM OF: **LANCE STERN**
1001 Garden View Drive #118
Atlanta, Georgia 30319

02-R-0615

ADOPTED BY
MAY 06 2002
COUNCIL

For vehicular damages alleged to have been sustained due to an unraised manhole in the roadway on September 24, 2001 at 3491 Roxboro Road, NE.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

CERTIFIED
MAY 06 2002
MUNICIPAL CLERK

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 **LANCE STERN** the sum of **$710.74** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained due to an unraised manhole in the roadway on September 24, 2001 at 3491 Roxboro Road, NE 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: ROSALIND RUBENS NEWELL
INTERIM CITY ATTORNEY

CERTIFIED
MAY 06 2002
ATLANTA CITY COUNCIL PRESIDENT

BY: _____
ROBERT GODFREY
DEPUTY CITY ATTORNEY

APPROVED
MAY 14 2002
MAYOR

FAVORABLE REPORT
COMM: Public Safety
DATE: 4/9/02
CHAIR

MUNICIPAL CLERK
ATLANTA, GEORGIA

02-R-0615

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 **Lance Stern** in the sum of **$710.74** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained due to an unraised manhole in the roadway on September 24, 2001 at 3491 Roxboro Road, NE 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 Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council MAY 06, 2002
APPROVED by the Mayor MAY 14, 2002

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0654 Date: March 26, 2002

Claimant /Victim **LANCE STERN**
BY: (Atty) (Ins. Co.) _____
Address: 1001 Gardenview Drive, Apartment 118, Atlanta, Georgia 30319
Subrogation: _____ Claim for Property damage:$ 710.74 Bodily Injury $ _____
Date of Notice: 10/9/01 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 9/24/01 Place: 3491 Roxboro Road, NE
Department PUBLIC WORKS Division SEWER OPERATIONS
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant sustained vehicular damage when he drove over an unraised sanitary sewer manhole that was located in the roadway. An investigation has determined that the defective manhole has existed in this condition for some time and the City has failed to repair the hazardous condition.

INVESTIGATION:

Statements: City employee X Claimant _____ Others _____ Written _____ Oral X
Pictures X Diagrams _____ Reports: Police _____ Dept Report _____ Other X
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 _____ 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 $ **710.74** Adverse Account charged: 1A01 _____ 2J01 X 2H01 ___
Claims Manager: _____ Concur/date 03-27-02
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 3723
5/06/02
4:03 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-14: Except 02-R-0507: 02-O-0668
02-R-0701; 02-O-0594; 02-O-0675; 0584
ADOPT

YEAS:	14
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	1
EXCUSED:	0
ABSENT	1

SEE ATTACHED LISTING OF ITEMS ADOPTED/ADVERSED ON CONSENT AGENDA

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
B Winslow	Y Muller	Y Boazman	NV Woolard

ITEM (S) REMOVED FROM <u>CONSENT AGENDA</u>
02-R-0701
02-O-0584
02-O-0594
02-O-0675
02-O-0668

CONSENT I

		05/06/02 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	**ITEMS ADOPTED ON CONSENT AGENDA**	**ITEMS ADVERSED ON CONSENT AGENDA**
1. 02-O-0666	34. 02-R-0613	47. 02-R-0625
2. 02-O-0678	35. 02-R-0614	48. 02-R-0626
3. 02-O-0681	36. 02-R-0615	49. 02-R-0627
4. 02-O-0684	37. 02-R-0616	50. 02-R-0628
5. 02-O-0487	38. 02-R-0617	51. 02-R-0629
6. 02-O-0491	39. 02-R-0618	52. 02-R-0630
7. 02-O-0686	40. 02-R-0619	53. 02-R-0631
8. 02-O-0687	41. 02-R-0620	54. 02-R-0632
9. 02-O-0688	42. 02-R-0621	55. 02-R-0633
10. 02-O-0086	43. 02-R-0622	56. 02-R-0634
11. 02-O-0672	44. 02-R-0623	57. 02-R-0635
12. 02-O-0689	45. 02-R-0624	58. 02-R-0636
13. 02-O-0563	46. 02-R-0700	59. 02-R-0637
14. 02-O-0673		60. 02-R-0638
15. 02-O-0674		61. 02-R-0639
16. 02-R-0512		62. 02-R-0640
17. 02-R-0680		63. 02-R-0641
18. 02-R-0598		64. 02-R-0642
19. 02-R-0697		65. 02-R-0643
20. 02-R-0600		66. 02-R-0644
21. 02-R-0658		67. 02-R-0645
22. 02-R-0702		68. 02-R-0646
23. 02-R-0480		69. 02-R-0647
24. 02-R-0507		70. 02-R-0648
25. 02-R-0501		71. 02-R-0649
26. 02-R-0604		72. 02-R-0650
27. 02-R-0704		73. 02-R-0651
28. 02-R-0607		74. 02-R-0652
29. 02-R-0608		75. 02-R-0653
30. 02-R-0609		76. 02-R-0654
31. 02-R-0610		77. 02-R-0655
32. 02-R-0611		78. 02-R-0656
33. 02-R-0612		79. 02-R-0657