

Entered -07-01-02 - sb  
CL 02L0460 - GWENDOLYN BURNS

CLAIM OF: **SHERESE LEWIS**  
1565 Robin Hill Drive  
Norcross, Georgia 30093

**02- R -1818**

For vehicular damages alleged to have been sustained from driving over a manhole that was partially open on May 14, 2002 at West Peachtree Street, NE & 7<sup>th</sup> Street, NE.

**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 **SHERESE LEWIS** the sum of **\$1,219.00** 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 from driving over a manhole that was partially open on May 14, 2002 at West Peachtree Street, NE & 7<sup>th</sup> Street, NE 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:  
LINDA K. DISANTIS  
CITY ATTORNEY

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

**FAVORABLE REPORT**

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: *10/29/02*

CHAIR: *[Signature]*

*[Signature]*  
*[Signature]*  
*[Signature]*  
*[Signature]*  
*[Signature]*  
*[Signature]*

*[Signature]*  
NOV 08 2002  
MAYOR

ADOPTED BY  
NOV 04 2002  
COUNCIL

ATLANTA  
NOV 04 2002  
*[Signature]*

NOV 04 2002  
*[Signature]*



**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**02-R-1818**

**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 **SHERESE LEWIS** the sum of **\$1,219.00** 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 from driving over a manhole that was partially open on **May 14, 2002** at **West Peachtree Street, NE & 7' Street, NE** 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.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

NOV 04, 2002  
NOV 08, 2002

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0460

Date: October 15, 2002

Claimant /Victim SHERESE LEWIS
BY: (Atty) (Ins. Co.)
Address: 1565 Robin Hill Drive, Norcross, Georgia 30093
Subrogation: Claim for Property damage:\$ 1,219.00 Bodily Injury \$
Date of Notice: 6/11/02 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 5/14/02 Place: West Peachtree Street, NE & 7th Street, NE
Department PUBLIC WORKS Division SEWER OPERATIONS
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant sustained vehicular damage when she drove over a sanitary sewer manhole that was partially covered. An investigation determined that upon contact the cover had the propensity to pop up. More importantly, the City had notice of the defective cover but failed to remedy the problem prior to Claimant's incident.

INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X
Pictures X 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 X
Improper Notice More than Six Months Other Damages reasonable
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 \$ 1,219.00 Adverse Account charged: 1A01 2P01 2J01 X 2H01
Claims Manager: Concur/date 10-16-02
Committee Action: Council Action

RCS# 4209  
11/04/02  
6:38 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-10; Except 02-R-1871  
02-R-1885; 02-O-1879  
ADOPT

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

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

CONSENT I

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**11/08/02 Council Meeting**

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**ITEMS ADOPTED ON CONSENT**

**AGENDA**

1. 02-O-1730
2. 02-O-1733
3. 02-O-1734
4. 02-O-1891
5. 02-O-1537
6. 02-O-1550
7. 02-R-1587
8. 02-R-1893
9. 02-R-1857
10. 02-R-1858
11. 02-R-1883
12. 02-R-1901
13. 02-R-1851
14. 02-R-1852
15. 02-R-1729
16. 02-R-1910
17. 02-R-1846
18. 02-R-1862
19. 02-R-1626
20. 02-R-1855
21. 02-R-1876
22. 02-R-1815
23. 02-R-1816
24. 02-R-1817
25. 02-R-1818
26. 02-R-1819
27. 02-R-1820
28. 02-R-1821
29. 02-R-1822
30. 02-R-1823
31. 02-R-1824
32. 02-R-1825
33. 02-R-1826

**ITEMS ADVERSED**

**ON CONSENT AGENDA**

34. 02-R-1827
35. 02-R-1828
36. 02-R-1829
37. 02-R-1830
38. 02-R-1831
39. 02-R-1832
40. 02-R-1833
41. 02-R-1834
42. 02-R-1835
43. 02-R-1836
44. 02-R-1837
45. 02-R-1838
46. 02-R-1839
47. 02-R-1841
48. 02-R-1842
49. 02-R-1843
50. 02-R-1844
51. 02-R-1845

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Consent I Vote:           13 Yeas; 0 Nays           (See RCS #4209)  
Items Removed from Consent: 02-R-1871; 02-R-1885; 02-O-1879  
(Initial Consent Vote Reconsidered; See RCS #4162 & RCS #4208)