Entered - 12-05-02 - sb
CL 02L0877 - GWENDOLYN BURNS

CERTIFIED
SEP 02 2003
ATLANTA CITY COUNCIL PRESIDENT

CLAIM OF: **EFRAIN SANCHEZ**
ENEDINO I. GALENO
6906 Shenandoah Drive, Apt. 107
Austell, Georgia 30168

03-R-1298

For vehicular damage alleged to have been sustained due to a sanitary sewer manhole cover that flipped off the manhole on October 8, 2002 at 2315 Donald Lee Hollowell Parkway, NW.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

CERTIFIED
SEP 02 2003
MUNICIPAL CLERK

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **EFRAIN SANCHEZ AND ENEDINO I. GALENO** the sum of **$939.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damage alleged to have been sustained due to a sanitary sewer manhole cover that flipped off the manhole on October 8, 2002 at 2315 Donald Lee Hollowell Parkway, NW 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.

ADOPTED BY
SEP 02 2003
COUNCIL

APPROVED: **LINDA K. DISANTIS**
CITY ATTORNEY

BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

FAVORABLE REPORT
COMM. Public Safety
DATE 8/26/03
CHAIR

Shirley Franklin
SEP 10 2003

MUNICIPAL CLERK
ATLANTA, GEORGIA

CORRECTED COPY

03-R-1298

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 **Efrain Sanchez and Enedino I. Galeno** in the sum of **$939.00** 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 due to a sanitary sewer manhole cover that flipped off the manhole on October 8, 2002 at 2315 Donald Lee Hollowell Parkway, NW** 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,
Municipal Clerk, CMC

ADOPTED by the Council September 2, 2003
APPROVED by the Mayor September 10, 2003

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0877 Date: August 11, 2003

Claimant /Victim **EFRAIN SANCHEZ and ENEDINO I. GALENO**
BY: (Atty) (Ins. Co.) _____
Address: 6906 Shenandoah Drive, Apt. 107, Austell, Georgia 30168
Subrogation: _____ Claim for Property damage $ 939.00 Bodily Injury $ _____
Date of Notice: 11/20/02 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 10/8/02 Place: 2315 Donald Lee Hollowell Parkway, NW
Department WATERSHED MANAGEMENT Division Sewer Operations
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimants' vehicle sustained damage when it was driven over a sanitary sewer manhole cover that flipped off the manhole. An investigation determined that the manhole cover had the propensity to flip off the manhole due to a defective ring inside the structure. Notwithstanding this fact, the City was on notice of the hazardous condition but failed to repair the manhole.

INVESTIGATION:

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

INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:
Pay $ 939.00 Adverse _____ Account charged: 1A01 _____ 2P01 _____ 2J01 X 2H01 _____
Claims Manager: _____ Concur/date 08-13-03
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 4975
9/02/03
1:20 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-18, EXCEPT;03-R-1310

ADOPT

YEAS:	14
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	2
EXCUSED:	0
ABSENT	0

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

CONSENT I

		9/02/03 Full Council Meeting
ITEMS ADOPTED ON CONSENT	**ITEMS ADVERSED ON CONSENT**	**ITEMS ADVERSED ON CONSENT**
1. 03-O-1175	44. 03-R-1220	81. 03-R-1258
2. 03-O-1351	45. 03-R-1221	82. 03-R-1259
3. 03-O-1166	46. 03-R-1222	83. 03-R-1260
4. 03-O-1167	47. 03-R-1223	84. 03-R-1261
5. 03-O-1355	48. 03-R-1224	85. 03-R-1262
6. 03-O-1203	49. 03-R-1225	86. 03-R-1263
7. 03-O-1204	50. 03-R-1226	87. 03-R-1264
8. 03-O-1205	51. 03-R-1227	88. 03-R-1265
9. 03-O-0827	52. 03-R-1228	89. 03-R-1266
10. 03-O-1357	53. 03-R-1229	90. 03-R-1267
11. 03-R-1338	54. 03-R-1230	91. 03-R-1268
12. 03-R-1312	55. 03-R-1231	92. 03-R-1269
13. 03-R-1313	56. 03-R-1232	93. 03-R-1270
14. 03-R-1353	57. 03-R-1234	94. 03-R-1271
15. 03-R-1202	58. 03-R-1235	95. 03-R-1272
16. 03-R-1301	59. 03-R-1236	96. 03-R-1273
17. 03-R-1320	60. 03-R-1237	97. 03-R-1274
18. 03-R-1321	61. 03-R-1238	98. 03-R-1275
19. 03-R-1322	62. 03-R-1239	99. 03-R-1276
20. 03-R-1331	63. 03-R-1240	100. 03-R-1277
21. 03-R-1332	64. 03-R-1241	101. 03-R-1278
22. 03-R-1333	65. 03-R-1242	102. 03-R-1279
23. 03-R-1334	66. 03-R-1243	103. 03-R-1280
24. 03-R-1314	67. 03-R-1244	104. 03-R-1281
25. 03-R-1318	68. 03-R-1245	105. 03-R-1282
26. 03-R-1325	69. 03-R-1246	106. 03-R-1283
27. 03-R-1327	70. 03-R-1247	107. 03-R-1284
28. 03-R-1328	71. 03-R-1248	108. 03-R-1285
29. 03-R-1288	72. 03-R-1249	109. 03-R-1286
30. 03-R-1289	73. 03-R-1250	110. 03-R-1287
31. 03-R-1290	74. 03-R-1251	111. 03-R-1304
32. 03-R-1291	75. 03-R-1252	112. 03-R-1305
33. 03-R-1292	76. 03-R-1253	113. 03-R-1306
34. 03-R-1293	77. 03-R-1254	114. 03-R-1307
35. 03-R-1294	78. 03-R-1255	115. 03-R-1308
36. 03-R-1295	79. 03-R-1256	
37. 03-R-1296	80. 03-R-1257	
38. 03-R-1297		
39. 03-R-1298		
40. 03-R-1299		
41. 03-R-1300		
42. 03-R-1302		
43. 03-R-1303		