

Entered - 05-30-03 - sb
CL 03L0403 - GWENDOLYN BURNS

CLAIM OF: **LENWARD BENTLEY, JR.**
P.O. Box 33894
Decatur, Georgia 30033

03-R-1520

ADOPTED BY
OCT 06 2003
COUNCIL

For vehicular damages alleged to have been sustained due to a sanitary sewer manhole that was under construction and left in a hazardous condition on April 17, 2003 at Nelson Street, NW & Northside Drive, NW.

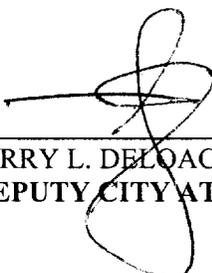
BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

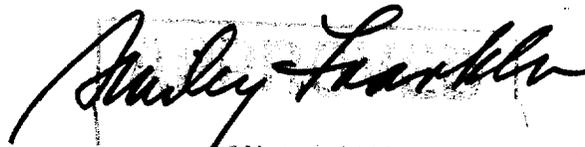
BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **LENWARD BENTLEY, JR.** the sum of **\$1,415.04** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained due to a sanitary sewer manhole that was under construction and left in a hazardous condition on April 17, 2003 at Nelson Street, NW & Northside Drive, 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.

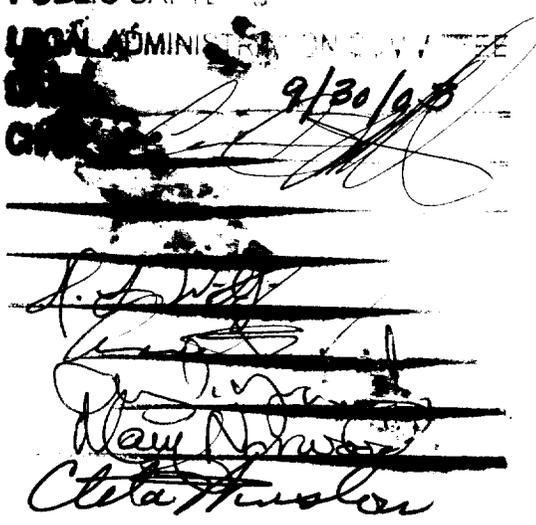
CERTIFIED
OCT 06 2003
ATLANTA CITY COUNCIL PRESIDENT
Catherine W. Hoffard

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

CERTIFIED
OCT 06 2003
MUNICIPAL CLERK
Rosalee D. Simpson

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY


OCT 14 2003
MAYOR

FAVORABLE REPORT
PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE
9/30/03




**MUNICIPAL CLERK
ATLANTA, GEORGIA**

03-R-1520

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 **Lenward Bentley, Jr.** in the sum of **\$1,415.04** settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained **due to a sanitary sewer manhole that was under construction and left in a hazardous condition on April 17, 2003 at Nelson Street, NW and Northside Drive** as 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,

Phonda Dauphin Johnson
Municipal Clerk, CMC

**ADOPTED by the Council
APPROVED by the Mayor**

OCT 06, 2003
OCT 14, 2003

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0403

Date: September 17, 2003

Claimant /Victim LENWARD BENTLEY, JR.

BY: (Atty) (Ins. Co.)

Address: P.O Box 33894, Decatur, Georgia 30033

Subrogation: Claim for Property damage \$ Bodily Injury \$

Date of Notice: 5/23/03 Method: Written, Proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 4/17/03 Place: Nelson Street, NW @ Northside Drive, NW

Department WATERSHED MANAGEMENT Division Sewer Operations

Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant's vehicle sustained damage when he drove over a sanitary sewer manhole that was under construction and below the surface of the street creating a hazardous condition. An investigation determined that the City did not have any records of the previous work activity at the manhole, however, physical evidence at the site confirmed that the condition existed for such a length of time that the City should have known of said condition.

INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X

Pictures Diagrams Reports: Police Dept Report X Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

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 \$ 1,415.04 Adverse Account charged: 1A01 2P01 2J01 X 2H01

Claims Manager: Concur/date 09/17/03

Committee Action: Council Action

RCS# 5041
10/06/03
2:05 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-14

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	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	B Boazman	NV Woolard

CONSENT I

10-06-03 Council Meeting		
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-1475	37. 03-R-1521	71. 03-R-1555
2. 03-O-1471	38. 03-R-1522	72. 03-R-1556
3. 03-O-1438	39. 03-R-1523	73. 03-R-1557
4. 03-O-1442	40. 03-R-1524	74. 03-R-1558
5. 03-O-1452	41. 03-R-1525	75. 03-R-1559
6. 03-O-1380	42. 03-R-1526	76. 03-R-1560
7. 03-O-1478	43. 03-R-1527	77. 03-R-1561
8. 03-O-1479	44. 03-R-1528	78. 03-R-1562
9. 03-O-0953	45. 03-R-1529	79. 03-R-1563
10. 03-O-1455	46. 03-R-1530	80. 03-R-1564
11. 03-O-1476	47. 03-R-1531	81. 03-R-1565
12. 03-O-1481	48. 03-R-1532	82. 03-R-1566
13. 03-R-1498	49. 03-R-1533	83. 03-R-1567
14. 03-R-1499	50. 03-R-1534	84. 03-R-1568
15. 03-R-1582	51. 03-R-1535	85. 03-R-1569
16. 03-R-1583	52. 03-R-1536	86. 03-R-1570
17. 03-R-1502	53. 03-R-1537	87. 03-R-1571
18. 03-R-1503	54. 03-R-1538	88. 03-R-1572
19. 03-R-1505	55. 03-R-1539	89. 03-R-1573
20. 03-R-1506	56. 03-R-1540	90. 03-R-1574
21. 03-R-1507	57. 03-R-1541	91. 03-R-1575
22. 03-R-1488	58. 03-R-1542	92. 03-R-1576
23. 03-R-1489	59. 03-R-1543	93. 03-R-1577
24. 03-R-1490	60. 03-R-1544	94. 03-R-1578
25. 03-R-1491	61. 03-R-1545	
26. 03-R-1492	62. 03-R-1546	
27. 03-R-1495	63. 03-R-1547	
28. 03-R-1513	64. 03-R-1548	
29. 03-R-1514	65. 03-R-1549	
30. 03-R-1515	66. 03-R-1550	
31. 03-R-1516	67. 03-R-1551	
32. 03-R-1517	68. 03-R-1552	
33. 03-R-1518	69. 03-R-1553	
34. 03-R-1519	70. 03-R-1554	
35. 03-R-1520		
36. 03-R-1579		

Consent I Vote: 13 Yeas; 0Nays: (See RCS #5041)