



## Recommendation Memo

**To:** Eric Earls, Department of Public Works  
**From:** Margie White, Finance Department ext. 9641  
**Date:** March 15, 2022  
**Re:** Council Claim

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Please investigate the attached claim against the City of Warwick involving your department and return this recommendation to the Finance office as soon as possible.

**Date of Incident:** 03/08/2021

**Police/tow/auto report:** 22-12163

**Claimant:** David Esteves  
227 Pawtucket Avenue  
Warwick, RI 02888

**Claim:** Hit a pothole on Atlantic Avenue causing damage to tire and rim.

**Invoice:** Miracle Motors \$64.27(tire)

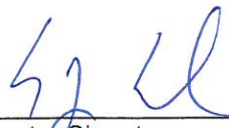
<b>Estimates:</b>	Tire Rack	\$206.95
	Ebay	\$224.99
	Town Fair Tire	\$1281.97
	Amazon	\$554.47(rim)
	Ebay	\$429.49(rim)
	Walmart	\$436.99(rim)

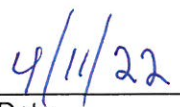
**Department Recommends:**

**Approval** of this claim for \$\_\_\_\_\_.

**Denial** of this claim (please include comments below):

This claim documents were signed by the claimant on 3/10/22 and was notarized on 3/14/22, indicating that this claim form was not properly executed.

  
\_\_\_\_\_  
Director Signature

  
\_\_\_\_\_  
Date

## TO THE HONORABLE CITY COUNCIL

The undersigned respectfully petitions your body for compensation  
for injuries or damages sustained as follows:

Please print information that pertains to your claim.

☐ Motor Vehicle Accident    ☒ Pothole    ☐ Property Damage    ☐ Tax Waiver    ☐ Other

Claimant Name: DAVID Esteves

Address: 227 Pawtuxet Ave

City, State, Zip: Warwick, RI, 02888

Telephone #: (401) 487-5849

MAR 14 2022

Date of incident (M/D/Y) 3/8/22 Time: 2:40 AM/PM (PM)

Description of Incident/Claim: Hit a pothole that was  
so deep it bent my rim and instantly  
flattened my tire that was relatively  
new.

Vehicle Year: 06 Make: BMW Model: 330xi Odometer reading: 168,000

The Pothole was located on Atlantic Ave road.

I notified the Finance / Public Works department (circle one) on 3/8/22 (date).

Police dep

The nature of my property damage is: a bent rim and  
destroyed tire

Additional information about Tax Waiver (include letter from Tax Collector stating adverse decision) \_\_\_\_\_

I request reimbursement in the amount of \$ 64.27<sup>-tire</sup> + \$ 750 - rim

SIGNATURE OF CLAIMANT: [Signature] DATE 3/10/22

## AFFIDAVIT

(Petitioner Name) DAVID ESTEVES, being duly sworn, deposes and states:

1. I have petitioned the City Council of the City of Warwick for compensation for losses arising from an incident which occurred on (date) 3/8/22 as a result of (please provide brief description):

hit a bad pothole which bent my rim and ruined my tire

Said claim was filed with the Finance Department on \_\_\_\_\_ (date).

2. Check appropriate box or boxes:

- ☒ I have not sought compensation, nor will I at any time seek compensation from any source (including, but not limited to, any insurance company) other than the City of Warwick, for any loss arising from the above-described incident, understanding for pothole claims, the maximum recovery is \$300.00 under Rhode Island General Law § 24-5-13 (b).
- ☐ I have received compensation from a source or sources other than the City of Warwick, (including, but not limited to, any insurance company) in connection with this incident. The amount(s) which I received total \$ \_\_\_\_\_, and the source of the other payment(s) was \_\_\_\_\_.
- ☐ I am seeking, or intend to seek, compensation from a source or sources other than and/or in addition to the City of Warwick (including, but not limited to, any insurance company), for any loss arising from the above described incident. The source or sources from which I seek such other compensation is/are: \_\_\_\_\_.

3. In the event that the Warwick City Council should deny my claim, I understand that I may pursue a claim against any other party who may be liable for my loss.

4. I understand that I am not entitled to recover more than the amount of my actual loss. If the City of Warwick pays any amount to me in connection with the above described incident, and if I should receive any amounts from any source other than the City of Warwick with respect to the above described incident, I will report such other receipt(s) to the Finance Department of the City of Warwick.

5. I have personal knowledge of the facts aforesaid.

[Signature]  
Signature of Claimant or its Representative

DAVID ESTEVES  
Printed Name

State of Rhode Island  
County of Providence

Subscribed and sworn to before me on this 14<sup>th</sup> day of March, 2022.

Margie A. White  
(Notary Public)  
My Commission Expires 7/25/24





STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DIVISION OF MOTOR VEHICLES

600 New London Avenue

Cranston RI 02920-3024

Web Address: [WWW.DMV.RI.GOV](http://WWW.DMV.RI.GOV)



DAVID M ESTEVES  
227 PAWTUXET AVE  
WARWICK RI 02888-1943

Date: 05/14/2020

Registration Certificate

REG NUMBER: <b>664103</b>	PLATE TYPE: <b>PASSENGER</b>	PLATE DESIGN: <b>WAVE</b>	VEHICLE TYPE: <b>PASSENGER</b>	DRIVERS LICENSE: <b>9614676</b>	REG EXP DATE: <b>05/31/2022</b>
YEAR: <b>2006</b>	MAKE: <b>BMW</b>	MODEL: <b>330</b>	BODY TYPE: <b>SEDAN</b>	MAJOR COLOR: <b>GRAY</b>	MINOR COLOR: <b>GRAY</b>
VEHICLE IDENTIFICATION NUMBER: <b>WBAVD33586KV64802</b>		RENEWAL FEE: <b>\$112.50</b>	GROSS WEIGHT: <b>4377</b>	# OF PASSENGERS: <b>5</b>	# OF CYLINDERS: <b>6</b>
FUEL TYPE: <b>GAS</b>		CARRYING CAPACITY: <b>N/A</b>	LENGTH: <b>N/A</b>	CCs: <b>N/A</b>	MAX SPEED: <b>0</b>
REGISTERED OWNER/LEASING COMPANY: <b>DAVID M ESTEVES 227 PAWTUXET AVE WARWICK RI 02888-1943</b>			SECOND OWNER:/LESSEE		

- TAX TOWN: **WARWICK**
- Notice: The law requires that the DMV be notified within 10 days of any change in name or address. Please visit our website to update your address online.
- Plate Cancellation -Excise Tax: Plates must be **cancelled** with the DMV to ensure the vehicle is removed from the city or town tax rolls. Please retain your receipt as proof of cancellation.
- Every registration plate shall be at all times securely fastened in a horizontal position and be in a condition to be clearly legible. Validation stickers are only to be placed securely on the lower right corner of the registration plate.
- Registration Certificate shall at all times be carried in the vehicle to which it refers or shall be carried by the person driving or in control of such vehicle.
- Proof of valid insurance/financial security is required as per Rhode Island General Laws § 31-47 (Motor Vehicle Reparations Act).
- It is your responsibility to renew your registration prior to the expiration date. Failure to do so may result in the assignment of new plates.
- Failure to obtain an **Emissions Inspection** on or before **03/17/2021** will result in this vehicle being suspended.
- Not valid without official signature of Administrator.
- Any vehicle operating in excess of legal weight limits is required to have an overweight permit per Chapter 31-25 of the Rhode Island General Laws. Failure to obtain an overweight permit may result in the imposition of fines and/or other penalties.

WALTER R. CRADDOCK  
Administrator  
Division Of Motor Vehicles

05/14/2020

For Date: 03/08/2022 - Tuesday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>
22-12163	1444	Phone - POT HOLE	Services Rendered 3	
Call Taker:		JPARENT - Civilian Jerry A Parenteau		
Call Closed By:		KEVANS - Civilian Katie L Evans 03/08/2022 1530		
Location/Address:		750 WARWICK AVE @ 333 ATLANTIC AVE		
Calling Party:		***UNKNOWN***, DAVID @ ***UNKNOWN*** - WARWICK, RI 401-487-5849		
Unit:		P22 Officer Stanley Hermanowski		
		Disp-14:46:52      Arvd-15:07:12      Clrd-15:30:16		
Vehicle:		GRY 2006 BMW 4D 330 Reg: PC RI 664103 VIN: WBAVD33586KV64802		
Operator:		ESTEVES, DAVID M @ 227 PAWTUXET AVE - WARWICK, RI 02888		
		Race: W Sex: M		
Owner:		ESTEVES, DAVID M @ 227 PAWTUXET AVE - WARWICK, RI 02888		
		Race: W Sex: M		
Insurance Co:		Progressive		
Policy No:		938148580		
Narrative:		pulled into the cvs lot hit a pot hole and has a flat tire bmw color grey		
Narrative:		RP was operating 2006 BMW 330, color gray traveling eastbound on Atlantic Ave. he attempted to avoid a pot hole then hitting another pot hole. Damage to the vehicle was a flat front passenger side tire.		
Narrative:		CH2//CONTACTED CITY HWY WILL HAVE SOMEONE OUT TO FILL POTHOLES SHORTLY		

**Miracle Motors**  
 679 Warwick Ave  
 Warwick, RI. 02888  
 Phone - 401-785-1466

INVOICE

**004747**

**INVOICE**

Print Date : 03/08/2022

Esteves, David  
 227 pawtuxet ave  
 Warwick, RI 02888  
 Home 401-487-5849  
 Cust ID : 996

2006 bmw - 330xi

Lic # : 664103  
 Unit # :  
 Vin # :  
 Hat # :

Odometer In : 167025  
 Odometer Out : 167025

Ref # :

Part Description / Number	Qty	List	Extended	Labor Description	Extended
Used tire	1.00	40.00	40.00	Mount and computer balance 1 used tire and install	20.00
Shop Supplies		1.00	1.00	Rim was bent from pothole furthur repair is needed. Hazardous Materials	0.40
[ Technicians : Miracle, Scott ]					

Org. Estimate \$64.27    Revisions \$0.00    Current Estimate \$ 64.27    Additional Cost    Revised Estimate

<b>Labor:</b>	<b>\$20.40</b>
<b>Parts:</b>	<b>\$41.00</b>
<b>Sublet:</b>	<b>\$0.00</b>
<b>Sub:</b>	<b>\$61.40</b>
	-----
<b>Tax:</b>	<b>\$2.87</b>
<b>Total:</b>	<b>\$64.27</b>
<b>Bal Due:</b>	<b>\$64.27</b>

[ Payments - ]

I hereby authorize the above repair work to be done along with the necessary material and hereby grant you and/or your employees permission to operate the car or truck herein described on street, highways or elsewhere for the purpose to testing and/or inspection. An express mechanic's lien is hereby acknowledged on above car or truck to secure the amount of repairs thereto. Warranty on parts and labor is one years or 12,000 miles whichever comes first. Warranty work has to be performed in our shop & cannot exceed the original cost of repair.

SIGNATURE.....

Date..... Time.....

Miracle, Scott





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Extreme Performance Summer

(55) | Reviews (49)

**Details & Pricing**Size: **225/45ZR17**Style: **Blackwall**Serv. Desc: **91W**UTQG: **200 AA A**

Qty:

4

Per Tire:

**\$206.95**Availability: **In Stock**

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The Proxes R1R molds a high-grip, silica-reinforced tread compound into an 8/32" to 9/32" deep directional Arrowhead tread design featuring an extra wide footprint to blend handling and performance during spirited dry-road driving with traction in wet conditions. The leading edges of the arrowheads are tapered to stabilize center block movement to reduce the possibility of irregular wear. Multi-Width EVAC Channels improve water evacuation from the center of the tread design to help increase hydroplaning resistance, while their narrow widths at the shoulders increase block size to enhance steering response and maintain block stiffness during aggressive braking.

The tire's internal structure features an advanced competition-inspired modified radial construction for driving hard through the corners and accelerating quickly onto the straight-aways. Twin high-tensile steel belts reinforced with spirally wrapped jointless cap and edge plies control the footprint size and shape. Jointless beads anchor the tires to the wheels while a high-modulus bead compound and slightly angled body plies work together to stabilize the sidewall.

**RATINGS CHARTS & REVIEWS****TOYO PROXES R1R**

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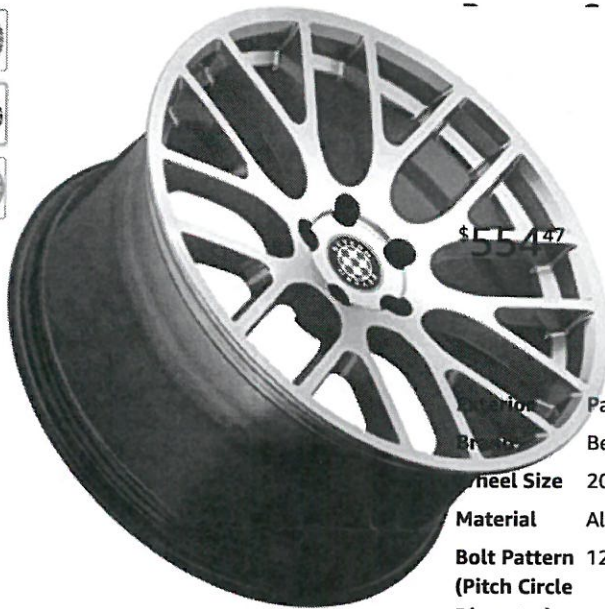
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Brand Beyern  
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