



**RESOLUTION
BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**A RESOLUTION AUTHORIZING THE SETTLEMENT OF ~~01~~^R-0149
CLAIMS RESULTING FROM THE CASE OF DONALD COLES
AND JULIET COLES, Individually and as Natural Guardians and
Next Friends of JENNIFER COLES, a minor, and as Representatives
of the Estate of DONALD COLES, JR., Deceased v. CITY OF
ATLANTA; State Court of Fulton County, Georgia; Civil Action NO.
98VS136855A; FOR \$185,000; AUTHORIZING THE CHIEF
FINANCIAL OFFICER TO DISBURSE THE SETTLEMENT
AMOUNT; AND FOR OTHER PURPOSES.**

WHEREAS, Donald Coles and Juliet Coles filed a lawsuit against the City of Atlanta in the State Court of Fulton County, Georgia on February 17, 1998; and

WHEREAS, the lawsuit arises from a motor vehicle accident that occurred on April 6, 1997 in which Plaintiffs were struck by a car driven by Yolanda West; and

WHEREAS, Plaintiffs alleged that the accident caused the wrongful death of Donald Coles, Jr., aged seven years at the time of the accident; property damage; and personal injuries; and

WHEREAS, Plaintiffs alleged that obstruction of the City's stop sign erected at the intersection of Butner Road, S.W. and Niskey Lake Road, S.W. was a contributing cause to the collision; and

WHEREAS, Plaintiffs further alleged that the accident caused them to incur medical expenses, lost wages, emotional distress, as well as, pain and suffering; and

WHEREAS, the City Attorney's office has thoroughly investigated the facts and circumstances involved in this case and has determined that it is desirable and in the best interests of the City to settle all claims of Plaintiffs against the City arising out of the facts alleged in the lawsuit for \$185,000; and

WHEREAS, Plaintiffs have agreed to accept from the City the payment of \$185,000 in settlement of all claims against the City arising out of the facts and circumstances of this lawsuit.

**THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY
RESOLVES AS FOLLOWS:**

SECTION 1. The City Attorney is authorized to settle the case of DONALD COLES
AND JULIET COLES, Individually and as Natural Guardians and Next
Friends of JENNIFER COLES, a minor, and as Representatives of the
Estate of DONALD COLES, Jr., Deceased v. CITY OF ATLANTA; State



Court of Fulton County, Georgia; Civil Action File No. 98vs136855A, for the sum of One Hundred Eighty Five Thousand Dollars (\$185,000), in exchange for Plaintiffs' execution and delivery to the City of Final Payment and General Release and a Notice of Voluntary Dismissal With Prejudice.

SECTION 2. The Chief Financial Officer is authorized to pay a total sum of \$185,000 to Donald Coles, Sr. and Juliet Coles, individually and as parents of Donald Coles, Jr. and Jennifer Coles, and to attorneys Cathey and Strain, Attorneys and issued from account number 1A01 529017 T31001.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

FEB 05, 2001

FEB 14, 2001



RCS# 2577
2/05/01
2:28 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-14

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 McCarty	B Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-2069
01-O-0083
01-R-0074
01-R-0092
01-R-0093

CONSENT

ITEMS ADOPTED ON CONSENT
AGENDA

ITEMS ADVERSED
ON CONSENT AGENDA

1. 00-O-1856
2. 01-O-0091
3. 01-O-0094
4. 01-O-0065
5. 01-O-0090
6. 01-O-0097
7. 01-O-0109
8. 00-R-2105
9. 01-R-0078
10. 01-R-0153
11. 01-R-0102
12. 00-R-0729
13. 01-R-0071
14. 01-R-0077
15. 01-R-0114
16. 01-R-0115
17. 01-R-0116
18. 01-R-0117
19. 01-R-0118
20. 01-R-0145
21. 01-R-0149
22. 01-R-0073
23. 01-R-0101
24. 01-R-0147
25. 01-R-0119
26. 01-R-0120
27. 01-R-0122
28. 01-R-0123
29. 01-R-0124
30. 01-R-0125
31. 01-R-0126
32. 01-R-0127
33. 01-R-0128
34. 01-R-0129
35. 01-R-0130
36. 01-R-0146

37. 01-R-0131
 38. 01-R-0132
 39. 01-R-0133
 40. 01-R-0134
 41. 01-R-0135
 42. 01-R-0136
 43. 01-R-0137
 44. 01-R-0138
 45. 01-R-0139
 46. 01-R-0140
 47. 01-R-0141
 48. 01-R-0142
 49. 01-R-0143
 50. 01-R-0144
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01-0149
 (Do Not Write Above This Line)

A RESOLUTION
 BY THE PUBLIC SAFETY AND LEGAL
 ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE
 SETTLEMENT OF ALL CLAIMS RESULTING
 FROM THE CASE OF DONALD COLES AND
 JULIET COLES, Individually and as Natural
 Guardians and Next Friends of JENNIFER COLES,
 a minor, and as Representatives of the Estate of
 DONALD COLES, JR., Deceased v. CITY OF
 ATLANTA; State Court of Fulton County, Georgia;
 Civil Action No. 98VS13685A; FOR \$185,000;
 AUTHORIZING THE CHIEF FINANCIAL
 OFFICER TO DISBURSE THE SETTLEMENT
 AMOUNT; AND FOR OTHER PURPOSES.

Ronald R. Newell
 SUSAN PEASE LANGFORD
 CITY ATTORNEY

ADOPTED BY

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER COUNCIL
- PERSONAL PAPER REFER

FEB 05 2001

Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

First Reading

Committee _____
 Date _____
 Chair _____
 Referred to _____

Committee _____
 Date _____
 Chair _____
 Action: _____
 Fav, Adv, Hold (see rev. side) _____
 Other: _____
 Members _____
 Refer To _____

Committee _____
 Date _____
 Chair _____
 Action: _____
 Fav, Adv, Hold (see rev. side) _____
 Other: _____
 Members _____
 Refer To _____

FINAL COUNCIL ACTION
 2nd
 1st & 2nd Readings
 Consent
 V Vote
 RC Vote

CERTIFIED

CERTIFIED
 FEB 05 2001
 ATLANTA CITY COUNCIL PRESIDENT
Ronald R. Newell

CERTIFIED
 FEB 05 2001
Ronald R. Newell

MAYOR'S ACTION

APPROVED

FEB 14 2001

WITHOUT SIGNATURE
 BY OPERATION OF LAW