

CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

01- R -0763

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS THE LAWSUIT STYLED EARL COOPER AND LINDA BROOKS-COOPER V. CITY OF ATLANTA; STATE COURT OF FULTON COUNTY, GEORGIA; CIVIL ACTION NO. 98VS146042A; FOR \$125,000; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISBURSE THE SETTLEMENT AMOUNT FROM FUND ACCOUNT CENTER NO. 2J01-529017-T31001; AND FOR OTHER PURPOSES.

WHEREAS, The Lawsuit styled "Earl Cooper and Linda Brooks-Cooper v. City of Atlanta; State Court of Fulton County, Georgia; Civil Action File No. 98VS146042A"; arises from an incident in which a water main broke in front of Plaintiffs' house and water from the broken main flooded Plaintiffs' home and to which Defendant City of Atlanta Water Department personnel responded by driving to Plaintiffs' home and turning off the water supply;

WHEREAS, Plaintiffs alleged that the broken water main and flooding caused significant property damage to their home and personal belongings;

WHEREAS, the Plaintiffs filed the lawsuit alleging that the City negligently maintained its water system, including the main that broke, negligently responded to Plaintiffs' call reporting the water main break and negligently repaired the broken water main;

WHEREAS, Plaintiffs have agreed to accept from the City the payment of \$125,000 in settlement of all claims against the City arising out of the facts alleged in this lawsuit;

WHEREAS, the City Attorney considers it to be in the best interests of the City to resolve this matter and recommends that the City pay the amount of \$125,000 to Plaintiffs to settle all claims of the Plaintiffs against the City arising out of the facts alleged in the 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 Earl Cooper and Linda Brooks-Cooper v. City of Atlanta; State Court of Fulton County, Georgia; Civil Action File No. 98VS146042A, for the sum of One Hundred Twenty-Five Thousand Dollars (\$125,000).

SECTION 2. The Chief Financial Officer is authorized to pay a total sum of \$125,000 to Earl Cooper and Linda Brooks-Cooper from Account No. 2J01-529017-T31001 in exchange for the Plaintiffs' execution and delivery to City of a Final Payment and General Release and a filed Notice of Voluntary Dismissal With Prejudice.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

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

MAY 21, 2001

MAY 30, 2001

01-R-0763
 (Do Not Write Above This Line)

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MAY 2 1 2001

APPROVED BY:

Susan Pease Langford
 SUSAN PEASE LANGFORD
 CITY ATTORNEY

COUNCIL

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

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair *E. T. Morris*
 Referred to _____

Committee *P.S. LA*
 Date *5/15/01*
 Chair *Carl M. ...*
 Action: _____
 Fav, Adv, Hold (see rev. side) _____
 Other: _____
 Members *[Signature]*
 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
MAY 2 1 2001
 ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
MAY 2 1 2001

[Signature]
 DEPUTY MUNICIPAL CLERK
 MAYOR'S ACTION

APPROVED

MAY 3 0 2001

WITHOUT SIGNATURE
 BY OPERATION OF LAW

Removed from consent
 by L. Morris