



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

**A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS IN THE CASE OF PHOENIX HOLDING GROUP, 02e R -0881 AS TRUSTEE FOR 2145 BOLTON ROAD LAND TRUST V. CITY OF ATLANTA AND UNITED WATER SERVICES UNLIMITED ATLANTA, LLC, d/b/a UNITED WATER SERVICES ATLANTA, FULTON COUNTY SUPERIOR COURT, CIVIL ACTION FILE NO. 2001-CV-43520; FOR CERTAIN CHARGES INCURRED BY IT FOR WATER SEWER SERVICES, PAYABLE TO UNITED WATER SERVICES UNLIMITED ATLANTA, LLC, ON BEHALF OF THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.**

WHEREAS, Phoenix Holding Group, LLC (“Phoenix”), as trustee for 2145 Bolton Road Land Trust, filed a lawsuit against the City of Atlanta (“the City”) and United Water Services Unlimited Atlanta, LLC (“United Water”) on October 1, 2001; and

WHEREAS, the lawsuit arises from outstanding water, sewer and/or related charges (“Charges”) associated with the property located at 2145 Bolton Road, Atlanta, Georgia (“property”) that were incurred, in part, by a prior owner and, in part by Phoenix, the current owner of the property; and

WHEREAS, when Phoenix acquired the Property, it sought to open a new water/sewer services account with United Water, at which time it discovered that there were unpaid Charges associated with the Property; and

WHEREAS, United Water, in keeping with the City’s policies and procedures, refused to open a new account for Phoenix or accept payment from Phoenix for Charges incurred by it subsequent to its purchase of the Property, until all past Charges associated with the Property were paid in full; and

WHEREAS, notwithstanding, Phoenix continued to receive water/sewer services at the Property under the account of the prior owner; and

WHEREAS, Phoenix then filed a lawsuit against the City and United Water as a result of United Water’s refusal to open a new water/sewer services account in the name of Phoenix; and

WHEREAS, at the time the lawsuit was filed, there was \$26,741.68 owing by the prior owner of the Property for water/sewer services; and

WHEREAS, Phoenix alleged in the lawsuit that it was not responsible for the payment of Charges incurred prior to its purchase of the Property,, admitted it was responsible for all charges incurred by it since the purchase of the Property and sought to have an account opened in its name; and.



WHEREAS, the City's Departments of Law and Water have investigated the facts of this case and determined that it is desirable and in the best interests of the City to settle all claims of Plaintiff against Defendants asserted in the lawsuit, City in the amount of \$9,000 for all Charges associated with the Property and incurred by the prior owner before July 31, 2000; and

WHEREAS, Phoenix has also agreed to pay all water/sewer Charges for the Property incurred by it since it acquired the Property; and

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:**

**SECTION 1.** The City Attorney is authorized to settle the case on the following terms:

1. Payment by Phoenix of \$9,000 for all Charges for water/sewer services associated with the Property and incurred by the prior owner in twelve (12) equal monthly installments of \$750, commencing on June 1, 2002;
2. Payment by Phoenix of all Charges incurred by it for water/sewer services since July 31, 2000, the date Phoenix acquired the Property<sup>1</sup>;
3. Execution by Phoenix of a Settlement Agreement and Dismissal With Prejudice of all Plaintiff's claims in this lawsuit against the City and United Water.

**SECTION 2.** Once the City and United Water are in receipt of an executed Settlement Agreement and Dismissal of Prejudice filed with the Court in this case, United Water is authorized, on behalf of the City, to open a water/sewer services account in the name of "Phoenix Holding Group, LLC, as Trustee for 2145 Bolton Road Land Trust" Plaintiff's.

**SECTION 3** The Mayor is authorized to enter into and execute a Settlement Agreement of Settlement with Phoenix and United Water containing the substantive settlement terms set forth in this Resolution.

**SECTION 4** The Settlement Agreement will not become binding on the City and the City will incur no liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved by the City Attorney as to form and delivered to Phoenix and United Water.

---

<sup>1</sup> As of April 1, 2002, the account balance for all Charges incurred by Phoenix since July 31, 2000, is \$29,718.32. Payment under numbered paragraph 2 in this Resolution will include those Charges amounts, plus any Charges incurred by Phoenix from April 1, 2002, to the date that a new water/sewer account is opened and the prior water/sewer account is closed.

A true copy,

*Shonda Daughin Johnson*  
Municipal Clerk, OMC

ADOPTED by the Council  
APPROVED by the Mayor

MAY 20, 2002  
MAY 28, 2002

RCS# 3731  
5/20/02  
2:33 PM

Atlanta City Council

Regular Session

CONSENT I            PGS. 1-15: Except 02-O-0852; 02-R-0729

ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 1

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

CONSENT I

CONSENT AGENDA MAY 20, 2002

ITEMS ADOPTED ON THE  
CONSENT AGENDA

02-R-0813      02-R-0753  
02-R-0812      02-R-0754  
02-R-0807      02-R-0755  
02-R-0805      02-R-0756  
02-R-0721      02-R-0757  
02-R-0504      02-R-0758  
02-R-0808      02-R-0759  
02-R-0708      02-R-0760  
02-R-0707      02-R-0761  
02-R-0882  
02-R-0881  
02-R-0809  
02-R-0798  
02-R-0797  
02-R-0732  
02-R-0706  
02-R-0724  
02-R-0802  
02-R-0888  
02-R-0887  
02-R-0733  
02-R-0731  
02-R-0728  
02-R-0727  
02-O-0846  
02-O-0830  
02-O-0703  
02-O-0699  
02-O-0671  
02-O-0606  
02-O-0605  
02-O-0833  
02-O-0601  
02-O-0488  
02-O-0836  
02-O-0845  
02-O-0844  
02-O-0843  
02-O-0835  
02-O-0834  
02-O-0603  
02-R-0735  
02-R-0752

ITEMS ADVERSED ON THE  
CONSENT AGENDA

02-R-0762  
02-R-0763  
02-R-0764  
02-R-0765  
02-R-0766  
02-R-0767  
02-R-0768  
02-R-0769  
02-R-0770  
02-R-0771  
02-R-0772  
02-R-0773  
02-R-0774  
02-R-0775  
02-R-0776  
02-R-0777  
02-R-0778  
02-R-0779  
02-R-0780  
02-R-0781  
02-R-0782  
02-R-0783  
02-R-0784  
02-R-0785  
02-R-0786  
02-R-0787  
02-R-0788  
02-R-0789  
02-R-0790  
02-R-0792  
02-R-0793  
02-R-0794  
02-R-0795  
02-R-0796

02-6-0881  
 (Do Not Write Above This Line)

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

A RESOLUTION AUTHORIZING SETTLEMENT OF  
 ALL CLAIMS IN THE CASE OF PHOENIX  
 HOLDING GROUP, LLC, AS TRUSTEE FOR 2145  
 BOLTON ROAD LAND TRUST V. CITY OF  
 ATLANTA AND UNITED WATER SERVICES  
 UNLIMITED ATLANTA, LLC, d/b/a UNITED WATER  
 SERVICES ATLANTA, FULTON COUNTY  
 SUPERIOR COURT, CIVIL ACTION FILE NO. 2001-  
 CV-43520; FOR CERTAIN CHARGES INCURRED BY  
 IT FOR WATER SEWER SERVICES, PAYABLE TO  
 UNITED WATER SERVICES UNLIMITED  
 ATLANTA, LLC, ON BEHALF OF THE CITY OF  
 ATLANTA; AND FOR OTHER PURPOSES.

APPROVED BY:  
*Ronald Rubenstein*  
 INTERIM CITY ATTORNEY

**ADOPTED BY**  
**MAY 20 2002**  
**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: \_\_\_\_\_

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred to \_\_\_\_\_

Committee PSLA  
 Date 5-14-02  
 Chair \_\_\_\_\_  
 Action: \_\_\_\_\_  
 Fav. Adv. Hold (see rev. side) \_\_\_\_\_  
 Other: \_\_\_\_\_  
 Members \_\_\_\_\_  
*Stacy Curfey*  
*David...*  
*Frank...*  
*C. T. Martin*  
*Chad...*  
 Refer To \_\_\_\_\_

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

First Reading \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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  
 3rd  
 Readings  
 Consent  
 V Vote  
 RC Vote

CERTIFIED  
 MAY 20 2002  
 ATLANTA CITY COUNCIL PRESIDENT  
*Catherine W. Woodward*

CERTIFIED  
 MAY 20 2002  
 MUNICIPAL CLERK  
*Ronald...*

A MAYOR'S ACTION  
 MAY 28 2002  
 MAYOR  
*Andy...*