

CITY COUNCIL
ATLANTA, GEORGIA

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

**A RESOLUTION AUTHORIZING THE SETTLEMENT OF
THE OAKLAND CEMETERY WALL COLLAPSE, AS
AUTHORIZED BY ORDINANCE 95-O-0504, IN THE
AMOUNT OF \$7,725; AUTHORIZING THE CITY
ATTORNEY TO APPROVE THE SETTLEMENT
AMOUNT; AND FOR OTHER PURPOSES**

03-R-1332

BACKGROUND

On April 9, 2001, the City of Atlanta filed a Petition for Condemnation and Declaration of Taking to condemn 0.040 acres (1,742.40 square feet) located at 563 Memorial Drive, Atlanta, Fulton County, Georgia, 30312, for use by the City of Atlanta for the Memorial Drive/Boulevard Project of the Oakland Wall Collapse Project.

The parties, City of Atlanta and the affected property owners, entered into good faith negotiations to address the difference between the appraised value of the property obtained by the City of Atlanta in an effort to establish an estimate of just compensation to be offered to the property owners, and the value assessed by the property owners through an independent source.

Counsel for the City of Atlanta and the property owners reached an agreed settlement of \$34,275.00, which exceeds the authority of the City Attorney to approve by the sum of \$7,725.00.

The City Attorney has determined that it is desirable and in the best interests of the City to settle this case for the amount of \$34,275.00, representing a compromise between the parties on the difference between the assessed value and the appraised value of the affected property;

Because this settlement amount exceeds 20% above the estimated just compensation for the affected property that is allowed under Section 4 of Ordinance 95-O-0504, City Council authorization is necessary in order to settle this action between the parties.

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

SECTION 1. The City Attorney is authorized to settle the case of CITY OF ATLANTA v. D&S ACQUISITION GROUP, LLC, et al, FILED IN THE SUPERIOR COURT OF FULTON COUNTY, CASE NUMBER 2001-CV-36502; STATE OF GEORGIA, for the sum of \$34,275.00 for property located at 563 Memorial Drive, Atlanta, Fulton County, Georgia, 30312, for use by the City of Atlanta for the Memorial Drive/Boulevard Project of the Oakland Wall Collapse Project.



SECTION 2. The City Attorney is authorized to execute a Settlement Agreement with D&S Acquisition Group, LLC, et al, and any Consent Order with the Court necessary to effectuate the terms of the settlement.

Section 3. The Settlement Agreement will not be binding upon the City of Atlanta 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, duly executed by D&S Acquisition, LLC, and all parties to the settlement, and delivered to the parties.

Section 4. The Chief Financial Officer is authorized to pay the total sum of \$7,725.00 to D&S Acquisition Group, LLC from Account No. 1A01529017T31001.

A true copy,

Shonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

September 2, 2003
September 10, 2003

RCS# 4975
9/02/03
1:20 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-18, EXCEPT;03-R-1310

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

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

CONSENT I

		9/02/03 Full Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-1175	44. 03-R-1220	81. 03-R-1258
2. 03-O-1351	45. 03-R-1221	82. 03-R-1259
3. 03-O-1166	46. 03-R-1222	83. 03-R-1260
4. 03-O-1167	47. 03-R-1223	84. 03-R-1261
5. 03-O-1355	48. 03-R-1224	85. 03-R-1262
6. 03-O-1203	49. 03-R-1225	86. 03-R-1263
7. 03-O-1204	50. 03-R-1226	87. 03-R-1264
8. 03-O-1205	51. 03-R-1227	88. 03-R-1265
9. 03-O-0827	52. 03-R-1228	89. 03-R-1266
10. 03-O-1357	53. 03-R-1229	90. 03-R-1267
11. 03-R-1338	54. 03-R-1230	91. 03-R-1268
12. 03-R-1312	55. 03-R-1231	92. 03-R-1269
13. 03-R-1313	56. 03-R-1232	93. 03-R-1270
14. 03-R-1353	57. 03-R-1234	94. 03-R-1271
15. 03-R-1202	58. 03-R-1235	95. 03-R-1272
16. 03-R-1301	59. 03-R-1236	96. 03-R-1273
17. 03-R-1320	60. 03-R-1237	97. 03-R-1274
18. 03-R-1321	61. 03-R-1238	98. 03-R-1275
19. 03-R-1322	62. 03-R-1239	99. 03-R-1276
20. 03-R-1331	63. 03-R-1240	100. 03-R-1277
21. 03-R-1332	64. 03-R-1241	101. 03-R-1278
22. 03-R-1333	65. 03-R-1242	102. 03-R-1279
23. 03-R-1334	66. 03-R-1243	103. 03-R-1280
24. 03-R-1314	67. 03-R-1244	104. 03-R-1281
25. 03-R-1318	68. 03-R-1245	105. 03-R-1282
26. 03-R-1325	69. 03-R-1246	106. 03-R-1283
27. 03-R-1327	70. 03-R-1247	107. 03-R-1284
28. 03-R-1328	71. 03-R-1248	108. 03-R-1285
29. 03-R-1288	72. 03-R-1249	109. 03-R-1286
30. 03-R-1289	73. 03-R-1250	110. 03-R-1287
31. 03-R-1290	74. 03-R-1251	111. 03-R-1304
32. 03-R-1291	75. 03-R-1252	112. 03-R-1305
33. 03-R-1292	76. 03-R-1253	113. 03-R-1306
34. 03-R-1293	77. 03-R-1254	114. 03-R-1307
35. 03-R-1294	78. 03-R-1255	115. 03-R-1308
36. 03-R-1295	79. 03-R-1256	
37. 03-R-1296	80. 03-R-1257	
38. 03-R-1297		
39. 03-R-1298		
40. 03-R-1299		
41. 03-R-1300		
42. 03-R-1302		
43. 03-R-1303		

03-R-1332

(Do Not Write Above This Line)

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ADOPTED BY

SEP 0 2 2003

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 _____
 Referred to _____

Committee: Public Safety
 Date: 8-20-03
 Chair: [Signature]
 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
- 3rd
- Consent
- V Vote
- RC Vote

CERTIFIED

SEP 0 2 2003

ATLANTA CITY COUNCIL PRESIDENT

Catherine W. Woodward

CERTIFIED

SEP 0 2 2003

Renee D. Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

Shirley Franklin
SEP 10 2003