



CITY COUNCIL  
ATLANTA, GEORGIA

A RESOLUTION

04-R-1719

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO A SETTLEMENT WITH A CONDEMNEE IN THE MATTER OF THE CITY OF ATLANTA VS. PACE ACADEMY, INC. ET. AL., CIVIL ACTION FILE NO. 2003-CV-73575 PENDING IN THE SUPERIOR COURT OF FULTON COUNTY; TO AUTHORIZE THE PAYMENT IN AN AMOUNT NOT TO EXCEED \$4,000.00, TO BE PAID FROM FAC NO. 2J27 (2001 BOND FUND) 572001 (EASEMENTS) Q38I2429999 (NANCY CREEK SEWER) AND FOR OTHER PURPOSES.

WHEREAS, Pace Academy, Inc. (hereinafter referred to as owner) owns property known as 3929 Tuxedo Road, Atlanta, Georgia 30327 (the property); and

WHEREAS, the City sought to acquire 0.69 acres (29,843 square feet) for a permanent subsurface tunnel easement under its eminent domain authority for the Nancy Creek Tunnel Project; and

WHEREAS, a Petition for Condemnation and Declaration of Taking was filed by the City of Atlanta in the matter of City of Atlanta vs. Pace Academy, Inc., et al, which is now pending in the Superior Court of Fulton County as Civil Action File No. 2003-CV-73575; and

WHEREAS, the City has already deposited \$6,000.00 into the registry of the court pursuant to the Declaration of Taking; and

WHEREAS, the owner will agree to a settlement of all claims in this action for the amount of \$10,000 or an additional payment by the City of \$4,000.00, for the property taken in the condemnation action; and

WHEREAS, owner was advised by its engineering firm that they needed to monitor the tunneling construction for liability issues, and when factoring in the cost of said monitoring, the amount that the owner is requesting is only slightly higher than 20% above the initial estimated just compensation; and

WHEREAS, since this settlement amount exceeds 20% above the initial estimated just compensation for the affected property that is authorized under Ordinance 95-0-0504, City Council authorization is necessary to conclude this action.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES that the City Attorney is authorized to settle the Civil Action of the City of Atlanta vs. Pace Academy, Inc., et al, which is now pending in the Superior Court of Fulton County as



Civil Action File No. 2003-CV-73575 for the amount of \$10,000, by depositing an additional \$4,000.00 as further compensation for the property taken in this condemnation action.

BE IT FURTHER RESOLVED, that the Chief Financial Officer be and is authorized to pay, upon presentation and approval by the City Attorney, an amount not to exceed \$4,000.00 to be expended from Fund Account Center No. 2J27 (2001 Bond Fund) 572001 (Easements) Q38I2429999 (Nancy Creek Sewer).

A true copy,

*Rhonda Daughlin Johnson*  
Municipal Clerk, CMC

**ADOPTED** by the Council  
**APPROVED** by the Mayor

October 4, 2004  
October 8, 2004



		10-04-04 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1418	38. 04-R-1683	60. 04-R-1705
2. 04-O-1441	39. 04-R-1684	61. 04-R-1706
3. 04-O-1565	40. 04-R-1685	62. 04-R-1707
4. 04-O-1567	41. 04-R-1686	63. 04-R-1708
5. 04-O-0438	42. 04-R-1687	64. 04-R-1709
6. 04-O-1507	43. 04-R-1688	65. 04-R-1710
7. 04-O-1559	44. 04-R-1689	66. 04-R-1711
8. 04-O-1572	45. 04-R-1690	67. 04-R-1712
9. 04-O-1582	46. 04-R-1691	68. 04-R-1713
10. 04-O-1728	47. 04-R-1692	69. 04-R-1714
11. 04-O-1732	48. 04-R-1693	70. 04-R-1715
12. 04-R-1655	49. 04-R-1694	71. 04-R-1716
13. 04-R-1421	50. 04-R-1695	72. 04-R-1717
14. 04-R-1668	51. 04-R-1696	
15. 04-R-1719	52. 04-R-1697	
16. 04-R-1487	53. 04-R-1698	
17. 04-R-1624	54. 04-R-1699	
18. 04-R-1673	55. 04-R-1700	
19. 04-R-1674	56. 04-R-1701	
20. 04-R-1675	57. 04-R-1702	
21. 04-R-1491	58. 04-R-1703	
22. 04-R-1659	59. 04-R-1704	
23. 04-R-1660		
24. 04-R-1661		
25. 04-R-1662		
26. 04-R-1663		
27. 04-R-1664		
28. 04-R-1665		
29. 04-R-1613		
30. 04-R-1676		
31. 04-R-1677		
32. 04-R-1678		
33. 04-R-1679		
34. 04-R-1680		
35. 04-R-1681		
36. 04-R-1682		
37. 04-R-1718		

04-R-1719  
(Do Not Write Above This Line)

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*James O'Keefe*  
*Chair*

- 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 *J.P. Kelly*

Referred To \_\_\_\_\_

PSLA Committee

Date *7/25/04*

Chair *J.P. Kelly*

Action

Fav. Adv. Hold (see rev. side)

Other

Members *John Shank*

Chair *John Shank*

*James O'Keefe*

Refer To \_\_\_\_\_

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Action \_\_\_\_\_

Fav. Adv. Hold (see rev. side)

Other \_\_\_\_\_

Members \_\_\_\_\_

ADOPTED BY

OCT 04 2004

COUNCIL

Refer 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 \_\_\_\_\_

FINAL COUNCIL ACTION

2nd  1st & 2nd  3rd

Readings

Consent  V Vote  RC Vote

CERTIFIED

CERTIFIED

OCT 04 2004

ATLANTA CITY COUNCIL PRESIDENT

*John Shank*

CERTIFIED

OCT 04 2004

*Ronald Hamilton Johnson*

MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

*James O'Keefe*

OCT 08 2004

MAYOR