

AN ORDINANCE

BY: PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE AUTHORIZING THE SETTLEMENT OF ALL CLAIMS IN THE LAWSUIT STYLED FRANCES H. LEVINE AND BRENT M. RUNNELS VS. CITY OF ATLANTA; SUPERIOR COURT OF FULTON COUNTY, GEORGIA; CIVIL ACTION FILE NO. 2002-CV-60073, BY RELOCATION OF THE PUBLIC SANITARY SEWERAGE SYSTEM IN THE VICINITY OF AUSTIN AVENUE, EUCLID AVENUE, AND FREEDOM PARK IN THE CITY OF ATLANTA; SAID COST OF RELOCATION AND CONSTRUCTION OF THE SEWER BEING \$116,000.00; \$58,000.00 OF THAT AMOUNT BEING PAID BY THE PLAINTIFF AND THOSE FUNDS BEING DEPOSITED INTO FUND ACCOUNT CENTER NO. 2J01 (WATER) 445215 (WASTEWATER CHG, TAP FEES) B00001 (REVENUE CENTER); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISBURSE \$58,000.00 FROM FUND ACCOUNT CENTER NO. 2J26 (WATER/SEWER) 574001 (FAC. OTHER THAN BUILDINGS ) M24I02239999 (GENERAL SEWER IMPROVEMENTS) TO PAY THE REMAINING COST OF CONSTRUCTION OF THE SEWER BEYOND THE PAYMENT RECEIVED FROM THE PLAINTIFF; TO AMEND THE CURRENT ANNUAL CONTRACT FOR SANITARY SEWER CONSTRUCTION TO ALLOW THE COMPLETION OF THIS PROJECT; AND FOR OTHER PURPOSES.

**WHEREAS**, in the interest of a timely and cost efficient settlement of a law suit brought by the owner of real property, said settlement being the result of a Consent Judgment; the City of Atlanta Law Department has recommended and the Department of Watershed Management has concurred that the existing public sewer in the area should be relocated; and

**WHEREAS**, the negotiated terms of the settlement share the approximately \$116,000 cost of construction between the City of Atlanta and the private property owners; and

**WHEREAS**, the Department of Watershed Management has developed a design, and has produced engineering plans and drawings for the relocation of the sewer main serving the areas so described; and

**WHEREAS**, the City Attorney considers the settlement of said law suit and the consequential relocation of the sewer to be in the best interest of the City;

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

Section 1: That the Commissioner of Watershed Management is authorized to construct (relocate) said sanitary sewer according to the referenced engineering plans under the



terms of the existing Annual Contract for Sanitary Sewer Construction.

Section 2: That the Department of Procurement is authorized and directed to amend the current annual contract for sanitary sewer construction by extending the term and duration by 60 days and increasing the contract limits by \$116,000.00 to allow the construction of this project. All other terms and conditions of the contract will remain unchanged.

Section 3: That a pre-condition of the relocation is the receipt by the City of appropriate easements and rights-of-entry for the relocated sewer main from all affected parties. Said easements and rights-of-entry are to be granted at no cost to the City. The City Attorney is directed to prepare and coordinate the execution of all necessary easement and closing documents.

Section 4: That also pre-condition to the relocation of the sewer is the receipt of payment of \$58,000 from Plaintiff or on behalf of Plaintiff. Upon completion of the relocation of the sewer, Plaintiff will execute and deliver to the City any remaining documents of Settlement and Release and Dismissal as required by the City related to the lawsuit. The money collected from the Plaintiff or on behalf of the Plaintiff shall be deposited into fund Account Center No. 2J01 (WATER) 445215 (WASTEWATER CHG. TAP FEES) B00001 (REVENUE CENTER).

Section 5: That the remaining cost of construction beyond the payment received from the plaintiff shall be paid from Fund Account Center No. 2J26 (WATER/SEWER) 574001 (FAC. OTHER THAN BUILDINGS) M24I02239999 (GENERAL SEWER IMPROVEMENTS) in the amount of \$58,000.00.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

DEC 06, 2004

DEC 10, 2004



			12-06-04 Council Meeting
ITEMS ADOPTED ON CONSENT			
1. 04-O-2043	42. 04-R-2128	83. 04-R-2186	104. 04-O-1989
2. 04-O-2044	43. 04-R-2129	84. 04-R-2187	105. 04-O-1990
3. 04-O-2045	44. 04-R-2130	85. 04-R-2188	106. 04-O-1991
4. 04-O-2046	45. 04-R-2131	86. 04-R-2189	107. 04-O-1992
5. 04-O-2098	46. 04-R-2132	87. 04-R-2199	108. 04-O-1993
6. 04-O-2099	47. 04-R-2209	88. 04-R-2200	109. 04-O-1994
7. 04-O-2100	48. 04-R-2210	89. 04-R-2201	110. 04-O-1995
8. 04-O-2110	49. 04-R-2211	<b>Items</b>	111. 04-O-1996
9. 04-O-2115	50. 04-R-2212	<b>Adversed on</b>	112. 04-O-1997
10. 04-O-1434	51. 04-R-2214	<b>Consent</b>	113. 04-O-2054
11. 04-O-1927	52. 04-R-2215	90. 04-R-2178	114. 04-O-2055
12. 04-O-1120	53. 04-R-2084	91. 04-R-2179	115. 04-O-2057
13. 04-O-1972	54. 04-R-2150	92. 04-R-2180	116. 04-O-2059
14. 04-O-2047	55. 04-R-2151	93. 04-R-2181	117. 04-O-2116
15. 04-O-0649	56. 04-R-2152	94. 04-R-2182	118. 03-R-1387
16. 04-O-1753	57. 04-R-2155	95. 04-R-2183	119. 04-R-2120
17. 04-O-1802	58. 04-R-2133	96. 04-R-2184	120. 04-R-2136
18. 04-O-1823	59. 04-R-2134	97. 04-R-2190	121. 04-R-2137
19. 04-O-2050	60. 04-R-2202	98. 04-R-2191	122. 04-R-2140
20. 04-O-2051	61. 04-R-2205	99. 04-R-2192	123. 04-R-2141
21. 04-O-2052	62. 04-R-2206	100. 04-R-2193	124. 04-R-2142
22. 04-O-2053	63. 04-R-2158	101. 04-R-2194	125. 04-R-2143
23. 04-O-2061	64. 04-R-2159	102. 04-R-2195	126. 04-R-2144
24. 04-O-2086	65. 04-R-2160	103. 04-R-2196	127. 04-R-2216
25. 04-O-2087	66. 04-R-2161		128. 04-R-2220
26. 04-O-2021	67. 04-R-2162		129. 04-R-2221
27. 04-O-2049	68. 04-R-2163		
28. 04-R-2145	69. 04-R-2164		
29. 04-R-2146	70. 04-R-2165		
30. 04-R-2147	71. 04-R-2166		
31. 04-R-2148	72. 04-R-2167		
32. 04-R-2149	73. 04-R-2168		
33. 04-R-2204	74. 04-R-2169		
34. 04-R-1970	75. 04-R-2170		
35. 04-R-2121	76. 04-R-2171		
36. 04-R-2122	77. 04-R-2172		
37. 04-R-2123	78. 04-R-2173		
38. 04-R-2124	79. 04-R-2174		
39. 04-R-2125	80. 04-R-2175		
40. 04-R-2126	81. 04-R-2176		
41. 04-R-2127	82. 04-R-2177		

04-0-2021

(Do Not Write Above This Line)

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ADMINISTRATION COMMITTEE

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

Date Referred 11/15/2004  
 Referred To: Public Safety & LA  
 Date Referred \_\_\_\_\_  
 Referred To: \_\_\_\_\_  
 Date Referred \_\_\_\_\_  
 Referred To: \_\_\_\_\_

Committee PSLA First Reading  
 Date 11/19/04  
 Chair [Signature]  
 Referred To PSLA

PSLA Committee  
 Date 11/30/04

Action [Signature]  
 Fav, Adv, Hold (see rev. side)  
 Other \_\_\_\_\_

Members

[Signatures]  
 Refer To \_\_\_\_\_

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)  
 Other \_\_\_\_\_

Members

ADOPTED BY

DEC 06 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

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

- FINAL COUNCIL ACTION
- 2nd
  - 1st & 2nd
  - 3rd
  - Consent
  - V Vote
  - RC Vote

CERTIFIED

DEC 06 2004

[Signature]

[Signature]

MAYOR'S ACTION

[Signature]