



**A RESOLUTION
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 THE CAT DOCTOR, INC., CIVIL ACTION FILE NO. 2002-CV-60407 PENDING IN THE SUPERIOR COURT OF FULTON COUNTY; TO AUTHORIZE THE PAYMENT IN AN AMOUNT NOT TO EXCEED \$412,500.00, TO BE PAID FROM 2J27 572001 Q38I02429999; AND FOR OTHER PURPOSES.

WHEREAS, The Cat Doctor, Inc. (hereafter referred to as owner) owned property known as 4137 Roswell Road, Atlanta, Georgia 30342 (the property); and

WHEREAS, the City acquired the property under its eminent domain authority for the Nancy Creek Tunnel Project in October 2002 in the matter of the City of Atlanta vs. The Cat Doctor Inc., in the Superior Court of Fulton County as Civil Action No. 2002-CV-60407; and

WHEREAS, the City acquired the property by depositing \$405,800.00 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 their condemnation action for an additional payment by the City in the amount of \$412,500.00; and

WHEREAS, the compromise amount has been determined by the City Attorney to be justified due to relocation expenses, business losses, and costs for business improvements at the new business location; 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 needed 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. The Cat Doctor Inc., which is now pending in the Superior Court of Fulton County as Civil Action File No. 2002-CV-60407 by depositing an additional \$412,500.00 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 \$412,500.00 to be expended from Fund Account Center No. 2J27 572001 Q38I02429999.

A true copy,

Deputy Clerk

ADOPTED by the City Council
APPROVED by the Mayor

JUL 18, 2005
JUL 26, 2005

RCS# 6850
7/18/05
4:53 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 6-19

ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
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	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT I

7/05/05

ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 05-O-0663 2. 05-O-0666 3. 05-R-0900 4. 05-O-0901 5. 05-O-0902 6. 05-O-1294 7. 04-O-1363 8. 05-O-1129 9. 05-O-1131 10. 05-O-1132 11. 05-O-1133 12. 05-O-1134 13. 05-O-1135 14. 04-O-1973 15. 05-O-1126 16. 05-O-1128 17. 05-O-1296 18. 05-O-1300 19. 05-R-1140 20. 05-R-1320 21. 05-R-1215 22. 05-R-1229 23. 05-R-1254 24. 05-R-1217 25. 05-R-1218 26. 05-R-1219 27. 05-R-1251 28. 05-R-1223 29. 05-R-1224 30. 05-R-1225	31. 05-R-1226 32. 05-R-1227 33. 05-R-1228 34. 05-R-1302 35. 05-R-1303 36. 05-R-1304 37. 05-R-1318 38. 05-R-1220 39. 05-R-1250 40. 05-R-1252 41. 05-R-1295 42. 05-R-1255 43. 05-R-1256 44. 05-R-1257 45. 05-R-1258 46. 05-R-1259 47. 05-R-1260 48. 05-R-1261 49. 05-R-1262 50. 05-R-1263 51. 05-R-1264	52. 05-R-1265 53. 05-R-1266 54. 05-R-1267 55. 05-R-1268 56. 05-R-1269 57. 05-R-1270 58. 05-R-1271 59. 05-R-1272 60. 05-R-1273 61. 05-R-1274 62. 05-R-1275 63. 05-R-1276 64. 05-R-1277 65. 05-R-1278 66. 05-R-1279 67. 05-R-1280 68. 05-R-1281 69. 05-R-1283 70. 05-R-1284 71. 05-R-1285

05-R-1302

(Do Not Write Above This Line)

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BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE
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SETTLEMENT WITH A CONDEMNEE IN
THE MATTER OF THE CITY OF ATLANTA
VS THE CAT DOCTOR, INC., CIVIL ACTION
FILE NO. 2002-CV-60407 PENDING IN THE
SUPERIOR COURT OF FULTON COUNTY;
TO AUTHORIZE THE PAYMENT IN AN
AMOUNT NOT TO EXCEED \$412,500.00, TO
BE PAID FROM 2127 572001 Q38102429999;
AND FOR OTHER PURPOSES.

James Sparks
ADOPTED BY
Deputy City Clerk
JUL 18 2005

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 _____

PSA Committee

Date _____

John Sparks
Chair

Action

Fav, Adv, Hold (see rev. side)

Other _____

Members _____

James Sparks
Refer To

Committee _____

Date _____

Chair _____

Action

Fav, Adv, Hold (see rev. side)

Other _____

Members _____

James Sparks
Refer To

Committee _____

Date _____

Chair _____

Action

Fav, Adv, Hold (see rev. side)

Other _____

Members _____

James Sparks
Refer To

Committee _____

Date _____

Chair _____

Action

Fav, Adv, Hold (see rev. side)

Other _____

Members _____

James Sparks
Refer To

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

CERTIFIED

JUL 18 2005

RECEIVED
MAYOR'S OFFICE
JUL 18 2005
Richard Anderson
MUNICIPAL CLERK

MAYOR'S ACTION
APPROVED
JUL 20 2005
James Sparks
MAYOR