CITY COUNCIL
ATLANTA, GEORGIA

07- R -0190

A RESOLUTION **07-R - _____**

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS IN THE CASE OF *EDDIE WILLIAMS V. CITY OF ATLANTA*, SUPERIOR COURT OF FULTON COUNTY, CIVIL ACTION FILE NO. 2006-CV-115595, IN THE AMOUNT OF $12,500.00; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND 2J01 (WATER AND SEWER FUND), ACCOUNT 529017 (PROPERTY LIQUIDATION) AND CENTER NUMBER Q30001 (DEPUTY DIRECTOR WASTEWATER TREATMENT & COLLECTIONS); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, *Eddie Williams v. City of Atlanta,* is a case in which the Plaintiff, Eddie Williams, is suing for damages sustained on his property located at 170 Polar Rock Drive, Atlanta, Georgia 30315, allegedly due to the City's sewer and storm-water lines overflowing onto his property; and

WHEREAS, Plaintiff alleges that the overflow of both lines onto his property caused his property to be contaminated with raw sewage and solid waste; and

WHEREAS, Plaintiff alleges that he has suffered personal injuries and economic harm resulting from the overflow of the sewer and storm-water lines onto his property; and

WHEREAS, the City has weighed the significant expense required to continue to defend the litigation against the opportunity to resolve the litigation expeditiously; and

WHEREAS, the Plaintiff is willing to settle all claims against the City of Atlanta for the amount of twelve thousand five hundred dollars ($12,500.00), an amount that includes all costs, and a dismissal with prejudice as to all claims against the City of Atlanta; and

WHEREAS, the Plaintiff and the City have entered into an agreement wherein the City of Atlanta's Department of Watershed will install a mechanism that will prevent future drainage of storm-water onto Plaintiff's property.

WHEREAS, the City Attorney recommends this settlement because it is in the best interests of the City;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the City Attorney is hereby authorized to conclude the settlement of all claims of Eddie Williams against the City of Atlanta, as set forth in Civil Action File No. 2006-CV-115595, in the Superior Court of Fulton County, for the aggregate amount of one thousand dollars ($12,500.00), including execution of settlement documents; and

SECTION 2. That the Chief Financial Officer is authorized to pay to Eddie Williams, and his attorney, Stephen D. Apolinsky, Esq., the total sum of $12,500.00, which shall be paid from Fund 2JO1 (Water and Sewer Fund), Account 529017 (Property Liquidation) and Center Number Q30001 (Deputy Director Wastewater Treatment & Collections).