

07- R -1487

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A RESOLUTION

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF SALLY BERRY V. CITY OF ATLANTA, GEORGIA, ET AL. SUPERIOR COURT, FULTON COUNTY, CIVIL ACTION FILE NO. 2007CV001800, IN THE AMOUNT OF \$37,000.00; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND 1A01 (GENERAL FUND), ACCOUNT 529017 (PROPERTY LIQUIDATION) AND CENTER NUMBER T31001 (NON-DEPARTMENTAL); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS *Sally Berry. v. City Of Atlanta, Georgia, et al.* is a case in which the Plaintiff, Sally Berry, is suing for damages she allegedly incurred when slipped and fell on a damaged City of Atlanta sidewalk;

WHEREAS, Plaintiff alleges that the City of Atlanta was on notice of the damaged sidewalk;

WHEREAS, Plaintiff alleges that the City of Atlanta did not repair the damaged sidewalk which caused her to fall;

WHEREAS, Plaintiff has agreed to accept \$37,000.00, in full settlement of all claims against the City of Atlanta including interest and attorney's fees; and

WHEREAS, the City Attorney has done extensive review of the facts and the law and has determined that the City's potential financial exposure in defending Plaintiff's claims is in excess of the settlement amount; and

WHEREAS, the City Attorney considers it to be in the best interest of the City to pay the amount of \$37,000.00 to settle all claims against the City of Atlanta.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby resolves as follows:

SECTION 1. The City Attorney is hereby authorized to settle and execute all documents in the case of *Sally Berry v. City of Atlanta, Georgia, et al.* in the amount of Thirty-Seven Thousand Dollars and Zero Cents (\$37,000.00).

SECTION 2. Said payment is to be charged to and paid from Fund 1A01 (General Fund), Account 529017 (Property Liquidation) and Center Number T31001 (Non-departmental). Payment shall be in the form of a check in the amount of \$37,000.00 payable to Sally Berry and Weinstock & Scavo, P.C. Such payment shall be in full consideration of the dismissal of all claims against the City of Atlanta, and its current and former officers and employees.