

**A RESOLUTION  
BY PUBLIC SAFETY AND LEGAL ADMINISTRATION**

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO A SETTLEMENT WITH A CONDEMNEE IN THE MATTER OF THE CITY OF ATLANTA V. 1600 PEACHTREE, LLC, CIVIL ACTION FILE NO. 2005CV109910, IN THE SUPERIOR COURT OF FULTON COUNTY, GEORGIA, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FORTY FIVE THOUSAND DOLLARS AND NO CENTS (\$145,000.00), TO BE PAID FROM FUND ACCOUNT AND CENTER NUMBER 2J28 (2001 WATER AND WASTEWATER BOND FUND) 572001 (EASEMENTS) Q38I02679999 (WEST TUNNEL); AND FOR OTHER PURPOSES.**

**WHEREAS**, 1600 Peachtree, LLC (“condemnee”) owns the property known as 1600 Peachtree Street, N.W., Atlanta, Georgia 30309; and

**WHEREAS**, the City of Atlanta (“City”) sought to acquire the property under the eminent domain authority for the West Area Combined Sewer Overflow Project; and

**WHEREAS**, a Petition for Condemnation and Declaration of Taking was filed by the City in the matter of the City of Atlanta vs. 1600 Peachtree, LLC, et al., Civil Action File No. 2005CV109910, in the Superior Court of Fulton County, Georgia; and

**WHEREAS**, pursuant to the Declaration of Taking, the City deposited Seventy Eight Thousand Dollars and No Cents (\$78,000.00) into the registry, and the condemnee has agreed to settle all claims for an additional payment of Sixty Seven Thousand Dollars and No Cents (\$67,000.00), for total of One Hundred Forty Five Thousand Dollars and No Cents (\$145,000.00) for the property taken in the condemnation action; and

**WHEREAS**, due to the extreme value of the property (Forty Million Dollars and No Cents (\$40,000,000.00)), the potential of a judgment adverse to the City could run in the amount of hundreds of thousand of dollars; and

**WHEREAS**, since this settlement amount exceeds 20% of the initial estimated just compensation for the affected property that is authorized under ordinance 95-O-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 hereby authorized to settle the Civil Action of the City of Atlanta v. 1600 Peachtree, LLC, et al., Civil Action File No. 2005CV109910, in the Superior Court of Fulton County, for an amount not to exceed One Hundred Forty Five Thousand Dollars and No Cents (\$145,000.00), by depositing an additional Sixty Seven Thousand Dollars and No Cents (\$67,000.00) into the registry as further compensation for the property taken in this condemnation action.

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer be and is hereby authorized to pay, upon presentation and approval of the City Attorney, an amount not to exceed Sixty Seven Thousand Dollars and No Cents (\$67,000.00) to be paid from Fund Account and Center Number 2J28 (2001 Water & Wastewater Bond) 572001 (Easements) Q38I02679999 (West Tunnel), for a total settlement amount not to exceed One Hundred Forty Five Thousand Dollars and No Cents (\$145,000.00).

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:** Public Safety and Legal Administration Committee

**Caption:** A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO A SETTLEMENT WITH A CONDEMNEE IN THE MATTER OF THE CITY OF ATLANTA V. 1600 PEACHTREE, LLC, CIVIL ACTION FILE NO. 2005CV109910, IN THE SUPERIOR COURT OF FULTON COUNTY, GEORGIA, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FORTY FIVE THOUSAND DOLLARS AND NO CENTS (\$145,000.00), TO BE PAID FROM FUND ACCOUNT AND CENTER NUMBER 2J28 (2001 WATER AND WASTEWATER BOND FUND) 572001 (EASEMENTS) Q38I02679999 (WEST TUNNEL); AND FOR OTHER PURPOSES.

**Council Meeting Date:** October 15, 2007

**Requesting Dept.:** Law Department

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The purpose of the legislation is to authorize a settlement with a condemnee, 1600 Peachtree, LLC, for property located at 1600 Peachtree Street, in an amount not to exceed \$145,000.00.

**2. Please provide background information regarding this legislation.**

The City filed a petition for Condemnation and Declaration of Taking in the matter of the City of Atlanta v. 1600 Peachtree, LLC, et al., in the Superior Court of Fulton County. The City deposited \$78,000.00 into the registry, and the condemnee has agreed to settle all claims for an additional \$67,000.00 for a total of \$145,000.00. The property is valued at approximately \$40,000,000.00.

**3. If Applicable/Known:**

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** N/A
- (b) **Source Selection:** N/A
- (c) **Bids/Proposals Due:** N/A

(d) **Invitations Issued:** N/A

(e) **Number of Bids:** N/A

(f) **Proposals Received:** N/A

(g) **Bidders/Proponents:** N/A

(h) **Term of Contract:** N/A

4. **Fund Account Center:** 2J28 572001 Q38I02679999

5. **Source of Funds:**

6. **Fiscal Impact:** \$145,000.00

7. **Method of Cost Recovery:** N/A

**This Legislative Request Form Was Prepared By:**

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: \_\_\_\_\_

Contact Number: \_\_\_\_\_

Originating Department: Department of Law

Committee(s) of Purview: Public Safety and Legal Administration Committee

Chief of Staff Deadline: September 24, 2007

Anticipated Committee Meeting Date(s): October 9-10, 2007

Anticipated Full Council Date: October 15, 2007

Legislative Counsel's Signature: 

Commissioner Signature: 

Chief Procurement Officer Signature: \_\_\_\_\_

**CAPTION**



A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO A SETTLEMENT WITH A CONDEMNEE IN THE MATTER OF THE CITY OF ATLANTA V. 1600 PEACHTREE, LLC, CIVIL ACTION FILE NO. 2005CV109910, IN THE SUPERIOR COURT OF FULTON COUNTY, GEORGIA, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FORTY FIVE THOUSAND DOLLARS AND NO CENTS (\$145,000.00), TO BE PAID FROM FUND ACCOUNT AND CENTER NUMBER 2J28 (2001 WATER AND WASTEWATER BOND FUND) 572001 (EASEMENTS) Q38I02679999 (WEST TUNNEL); AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any): \$145,000.00

Mayor's Staff Only

-----

Received by CPO: \_\_\_\_\_ (date) Received by LC from CPO: \_\_\_\_\_ (date)

Received by Mayor's Office: 9/25/07  Reviewed by:  (date)

Submitted to Council: \_\_\_\_\_ (date)