

A RESOLUTION

08-*R*-0236

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING FUNDS FOR THE SETTLEMENT OF THE CONDEMNATION CASE ENTITLED CITY OF ATLANTA vs. AARON LEE THOMPSON; GEORGE LEE BREED, ET AL., FILED IN THE FULTON COUNTY SUPERIOR COURT, CIVIL ACTION FILE NO. 2006-CV-119991, FOR AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS AND NO CENTS (\$10,000.00), FOR PROPERTY LOCATED AT 992 LENA STREET N.W., ATLANTA, GEORGIA, 30314 TO BE CHARGED TO AND PAID FROM FUND ACCOUNT AND CENTER NUMBER 2J27(2001 WATER AND WASTEWATER BOND FUND) 572001 (EASEMENTS) Q38I02649999 (GREENSFERRY SEWER SEPARATION); AND FOR OTHER PURPOSES.

WHEREAS, Aaron Lee Thompson, George Lee Breed, ABN AMRO Mortgage Group, Inc; Wachovia Bank N A; and Popular Financial Services, LLC and others owe or have an interest in the property at 992 Lena Street ("subject property) in the City of Atlanta ("City"); and

WHEREAS, the City sought to acquire the property under its eminent domain authority to acquire a permanent sewer easement and a temporary construction easement for a thirty-six (36) month period; and

WHEREAS, a Petition for Condemnation and a Declaration of Taking was filed by the City in the matter of City of Atlanta vs. Aaron Lee Thompson; George Lee Breed, et al., filed in the Fulton County Superior Court, Civil Action File No. 2006-CV-119991; and

WHEREAS, pursuant to the Declaration of Taking, the City deposited Fifteen Hundred Dollars and No Cents (\$1500.00) into the registry of the court; and

WHEREAS, the condemnee has agreed to settle the above referenced matter for an additional payment of Eight Thousand Five Hundred Dollars and No Cents (\$8500.00) for a total payment of Ten Thousand Dollars and No Cents (\$10,000.00) for the subject property; and

WHEREAS, the City Attorney has performed a review of this case and determined that the settlement of this case is in the best interests of the City.

THE CITY COUNCIL OF THE CITY OF ATLANTA HEREBY RESOLVES that the City Attorney is authorized to settle the case of City of Atlanta vs. Aaron Lee Thompson; George Lee Breed, et al., and to execute all necessary documents for this case filed in the Fulton County Superior Court, Civil Action File No. 2006-CV-119991 for an amount not to exceed Ten Thousand (\$10,000.00) by depositing an additional Eight Thousand Five Hundred Dollars and No Cents (\$8,500.00) into the registry of the court for the property located at 992 Lena Street N.W., Atlanta, Georgia, 30314.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby authorized to pay, upon presentation and approval by the City Attorney, an amount not to exceed Ten Thousand Dollars and No Cents (\$10,000.00) to be paid from Fund Account and Center Number 2J27 (2001 Water And Wastewater Bond Fund) 572001 (Easements) Q38I02649999 (Greensferry Sewer Separation)

BE IT FINALLY RESOLVED, that all resolutions or parts of resolutions in conflict herewith are hereby waived to the extent of the conflict.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Department's Legislative Liaison Maisha L. Wood

Contact Number: x6887

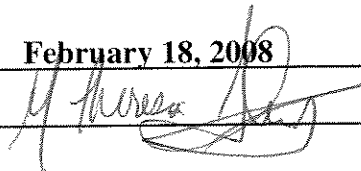
Originating Department: Watershed Management

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

Council Deadline: February 4, 2008

Anticipated Committee Meeting Date(s): February 12, 2008

Anticipated Full Council Date: February 18, 2008

Legislative Counsel (Signature): 

Commissioner Signature _____

Chief Procurement Officer Signature: _____

CAPTION

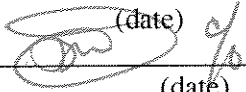
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FINANCIAL IMPACT (if any):

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____

Received by Mayor's Office: 1/30/08 (date) Reviewed by:  (date)

Submitted to Council: _____ (date)