

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 WW/CI PONCE PLACE v. CITY OF ATLANTA, MAGISTRATE COURT FULTON COUNTY, CIVIL ACTION FILE NO. 08MS084701, IN THE AMOUNT OF \$12,000.00; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND 5051 (WATERSHED & WASTEWATER FUND) ACCOUNT 170201 (DWM WASTEWATER TREATMENT & COLLECTIONS) 5750002 (PROPERTY/LIQUIDATION) 4310000 (SANITARY ADMINISTRATION); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, *WW/CI Ponce Place v. City of Atlanta*, is a case in which the Plaintiff sued the City of Atlanta for failure to abate a nuisance, and other negligence, in a claim by Plaintiff that stemmed from the failure of water and sewer line in the parking lot of 750 Ponce de Leon Place.

WHEREAS, Plaintiff sought \$15,000.00 for lost parking revenue, damages to a fence on the property by City of Atlanta repair trucks and costs of striping and sealing the parking lot on the property.

WHEREAS, Plaintiff has agreed to accept \$12,000.00, in full settlement of all claims against the City of Atlanta, 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 \$12,000.00 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 *WW/CI Ponce Place v. City of Atlanta* in the amount of Twelve Thousand Dollars (\$12,000.00).

SECTION 2. Said payment is to be charged to and paid from Fund 5051 (Water & Wastewater Revenue Fund) ACCOUNT 170201 (DWM Wastewater Treatment & Collections) 5750002 (Property/Liquidation) 4310000 (Sanitary Administration); Payment shall be in the form of a check in the amount of \$12,000.00 payable to WW/CI Ponce Place and John E. Robinson, P.C. against the City of Atlanta, and its current and former officers and employees.