

## 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 MORRIS HABIF AND JOE BARTON V. THE CITY OF ATLANTA AND ROB HUNTER, IN HIS OFFICIAL CAPACITY AS DIRECTOR OF THE DEPARTMENT OF WATERSHED MANAGEMENT OF THE CITY OF ATLANTA, CIVIL ACTION FILE NO. 2007CV135761, IN THE AMOUNT OF \$45,000.00; 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 *Morris Habif and Joe Barton v. The City of Atlanta and Rob Hunter*, in his official capacity as Director of the Department of Watershed Management of the City of Atlanta, is a case in which the Plaintiff sued for damages for trespass, inverse condemnation and attorney fees in the amount of \$55,336.00;

WHEREAS, Plaintiff has agreed to accept \$45,000.00, 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 \$45,000.00 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 *Morris Habif and Joe Barton v. The City of Atlanta and Rob Hunter, in his official capacity as Director of the Department of Watershed Management of the City of Atlanta*, in the amount of Forty- Five Thousand Dollars (\$45,000.00).

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) 431000 (Sanitary Administration). Payment shall be in the form of a check in the amount of \$45,000.00 payable to Mary Carole Cooney Law Office, Morris Habif and Joe Barton. 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.