

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

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO NEGOTIATE SETTLEMENT TERMS FOR THE LAWSUIT STYLED *KINGDOM FIRST MINISTRIES. v. CITY OF ATLANTA, GEORGIA, CIVIL ACTION NO. 1:08-CV-3100, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA, WITH THE AMOUNT OF ANY PAYMENT BY THE CITY NOT TO EXCEED \$160,000.00; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE FINAL SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.*

WHEREAS, during 2008 Kingdom First Ministries (“Kingdom First”) sought to locate its church at 535 Joseph E. Lowery Blvd., S.W. (“Subject Property”) but was denied a special use permit pursuant to 08-O-0519; and

WHEREAS, Kingdom First filed a lawsuit, *Kingdom First Ministries v. City of Atlanta, Georgia, Civil Action No. 1:08-CV-3100, United States District Court, Northern District of Georgia*, against the City alleging that City violated its rights under the Religious Land Use and Institutionalized Persons Act (RLUIPA); and

WHEREAS, RLUIPA requires that land use regulations treat religious assemblies and institutions on equal terms with non-religious assemblies and institutions; and

WHEREAS, the SPI-21 (Historic West End/Adair Park) Zoning District use regulations currently require that in all but one of the District’s ten sub-areas churches, synagogues and other religious uses obtain a special use permit but allow non-religious assembly uses such as clubs and lodges as of right within many of those same sub-areas with no need to obtain a special use permit; and

WHEREAS, the Bureau of Planning has agreed to introduce legislation to amend the Zoning Ordinance so that Kingdom First may continue to operate its religious use, both at the Subject Property as well as other areas within SPI-21 in a manner consistent with RLUIPA; and

WHEREAS, the City Attorney believes that the general settlement agreement terms are reasonable accommodations for Kingdom First’s agreement to dismiss its lawsuit; and

WHEREAS, the City Attorney, after conducting a thorough review of this matter, recommends this settlement as being in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the City Attorney is authorized to settle the case *Kingdom First Ministries v. City of Atlanta, Georgia, Civil Action No. 1:08-Cv-3100, United*

States District Court, Northern District of Georgia, for an amount not to exceed \$160,000.00; and

BE IT FURTHER RESOLVED THAT the City Attorney is authorized, on behalf of the City, to negotiate the terms necessary to terminate the litigation and to sign such agreements or other documents necessary to effectuate the terms of this resolution; and

BE IT FURTHER RESOLVED THAT no agreement or other document will be binding upon the City and the City will incur no liability under it, until: (1) it has been executed by Kingdom First, by the City Attorney and delivered to Kingdom First; and (2) a copy of a Voluntary Dismissal has been filed with Clerk of the District Court and a copy delivered to the City Attorney.

BE IT FURTHER RESOLVED THAT the Chief Financial Officer is authorized to pay not more than \$160,000.00 to Kingdom First and/or its attorney of record after notice from the City Attorney that the Voluntary Dismissal has been received, such sum to be charged to **Fund 1001 (GENERAL FUND) Account 5212005 (LITIGATION EXPENSE) Center Number 200101 (NON-DEPARTMENTAL).**