

A RESOLUTION

09-R-_____

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 LANNY WEST AND LESLIE FRAM V. CITY OF ATLANTA, MAGISTRATE COURT, FULTON COUNTY, CIVIL ACTION FILE NO. 2008MS089922, IN THE AMOUNT OF \$10,500.00; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND 1001 (GENERAL FUND), ACCOUNT 200101 (PROPERTY LIQUIDATION) 5212005 AND CENTER NUMBER (NON-DEPARTMENTAL); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS *Lanny West and Leslie Fram v. City Of Atlanta* is a case in which the Plaintiffs, Lanny West and Leslie Fram, are suing for damages they allegedly incurred when the City of Atlanta Department of Public Works caused damage to Plaintiffs' property during sidewalk construction adjacent to Plaintiffs property at 3943 Lake Forest Drive, Atlanta, Georgia;

WHEREAS, Plaintiffs allege that the City of Atlanta caused damage to the irrigation system, stone wall and landscape at 3943 Lake Forest Drive, Atlanta, Georgia on August 9, 2007;

WHEREAS, Plaintiffs allege that the City of Atlanta commenced said sidewalk construction without proper notice to Plaintiffs;

WHEREAS, Plaintiffs asserted a tort claim in Fulton County Magistrate Court; and

WHEREAS, Plaintiffs suffered damages and repair expenses as a

result of the City's sidewalk construction;

WHEREAS, Plaintiffs have agreed to accept \$10,500.00 in full settlement of all claims against the City of Atlanta including 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 \$10,500.00 to settle all claims against the City of Atlanta.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby ordains as follows:

SECTION 1. The City Attorney is hereby authorized to settle the case of *Lanny West and Leslie Fram v. City of Atlanta* in the amount of Ten Thousand and Five Hundred Dollars and No Cents (\$10,500.00).

SECTION 2. Said payment is to be charged to and paid from Fund 1001 (General Fund), Account 200101 (Property Liquidation) and Center Number 5212005 (Non-departmental). Payment shall be in the form of a check in the amount of \$10,500.00, payable to Lanny West on behalf of Lanny West and Leslie Fram. 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.