

**10-R-0428**

(Do Not Write Above This Line)

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF BETTYE FERGUSON V. CITY OF ATLANTA CIVIL ACTION FILE NO. 2009-CV-167172, FULTON COUNTY SUPERIOR COURT, IN THE AMOUNT OF \$88,500.00; AUTHORIZING SAID PAYMENT TO BE PAID FROM FUND 1001 (GENERAL FUND) CENTER NUMBER 200101 (NON DEPARTMENTAL) ACCOUNT 5212005 (LITIGATION EXPENSES) AND 1512000 (FUNCTIONAL ACTIVITY); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

**ADOPTED BY**

MAR 15 2010

Jerry L. DaLoach, Deputy City Attorney

- CONSENT REFER **COUNCIL**
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred \_\_\_\_\_  
 Referred To: \_\_\_\_\_  
 Date Referred \_\_\_\_\_  
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First Reading

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred To \_\_\_\_\_

PSIA Committee  
 Date 3/9/10  
 Chair \_\_\_\_\_

Action  
 Fav, Adv, Hold (see rev. side)  
 Other \_\_\_\_\_

Members  
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Refer To  
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Committee \_\_\_\_\_

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Action  
 Fav, Adv, Hold (see rev. side)  
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Committee \_\_\_\_\_

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Chair \_\_\_\_\_

Action  
 Fav, Adv, Hold (see rev. side)  
 Other \_\_\_\_\_

Members  
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FINAL COUNCIL ACTION

2nd  1st & 2nd  3rd

Readings

Consent  V Vote  RC Vote

CERTIFIED

MAR 15 2010

**CERTIFIED**  
 MAR 15 2010  
 JERRY L. DALOACH, DEPUTY CITY ATTORNEY

MAYOR'S ACTION

A RESOLUTION

10-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 BETTYE FERGUSON V. CITY OF ATLANTA, CIVIL ACTION FILE NO. 2009-CV-167172, FULTON COUNTY SUPERIOR COURT, IN THE AMOUNT OF \$88,500.00; AUTHORIZING SAID PAYMENT TO BE PAID FROM FUND 1001 (GENERAL FUND) CENTER NUMBER 200101 (NON DEPARTMENTAL) ACCOUNT 5212005 (LITIGATION EXPENSES) AND 1512000 (FUNCTIONAL ACTIVITY); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, Plaintiff Bettye Ferguson filed a lawsuit, *Bettye Ferguson vs. City of Atlanta*, alleging that the City of Atlanta created a nuisance by failing to maintain adequate storm water drainage systems;

WHEREAS, Plaintiff alleges that due to failure and inadequacies of the City of Atlanta's storm water drainage system, her property sustained damages resulting from storm water runoff;

WHEREAS, the City Attorney has done extensive review of the facts and the law and has determined that the City of Atlanta's potential financial exposure in defending Plaintiff's claim is in excess of the settlement amount;

WHEREAS, Plaintiff has agreed to accept \$88,500.00 in full settlement of all claims against the City of Atlanta including interest and attorney's fees;

WHEREAS, the City Attorney considers it to be in the best interest of the City of Atlanta to pay the amount of \$88,500.00 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 *Bettye Ferguson vs. City of Atlanta*, Fulton County Superior



Court, Civil Action File No. 2009-CV-167172 in the amount of Eighty-Eight Thousand Five Hundred Dollars (\$88,500.00).

**SECTION 2** The Chief Financial Officer is authorized to pay the amount of Eighty-Eight Thousand Five Hundred Dollars (\$88,500.00) to Bettye Ferguson. Said payment is to be charged, paid and issued from Fund 1001 (General Fund) Center Number 200101 (Non Departmental) Account 5212005 (Litigation Expenses) and 1512000 (Functional Activity) and made payable to *Martin & Jones, as attorneys for Bettye Ferguson*, 3353 Peachtree Road, Suite 510, Atlanta, Georgia 30326. 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.

A true copy,

*Thonda Dauphin Johnson*  
Municipal Clerk

ADOPTED by the Atlanta City Council  
APPROVED by Mayor kasim Reed

MAR 15, 2010  
MAR 23, 2010

RCS# 124  
3/15/10  
2:18 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

Y Smith	Y Archibong	Y Moore	Y Bond
B Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	B Sheperd	NV Mitchell

CONSENT I