

10-R-0737

(Do Not Write Above This Line)

A RESOLUTION
BY TRANSPORTATION COMMITTEE

A RESOLUTION AUTHORIZING THE
PAYMENT OF KITTY HAWK'S
PREFERENCE DEMAND PURSUANT
TO § 547 (b) OF THE UNITED STATES
BANKRUPTCY CODE; AUTHORIZING
THE CHIEF FINANCIAL OFFICER TO
DISBURSE AN AMOUNT NOT TO
EXCEED \$1,500.00 FROM FDOA 5501
(AIRPORT REVENUE FUND) 200301
(NON DEPARTMENTAL
UNALLOCATED CITYWIDE
EXPENSES) 5750002 (PROPERTY
LIQUIDATION); AND FOR OTHER
PURPOSES.

ADOPTED BY
MAY 03 2010
COUNCIL

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

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee
TRANSPORTATION

4/28 Date

Chair

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

Members

Refer To

Committee

Date

Chair

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

Members

Second Reading

Committee

Date

Chair

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

Members

Refer To

Committee

Date

Chair

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

Members

- FINAL COUNCIL ACTION
- 2nd
 - 1st & 2nd
 - Consent
 - V Vote
 - RC

CERTIFIED

MAY 03 2010

ATLANTA CITY COUNCIL PRESIDENT

MAY 03 2010

Ronald Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

MAY 11 2010

MAYOR



CITY COUNCIL
ATLANTA, GEORGIA

10- R -0737

**A RESOLUTION
BY TRANSPORTATION COMMITTEE**

A RESOLUTION AUTHORIZING THE PAYMENT OF KITTY HAWK'S PREFERENCE DEMAND PURSUANT TO § 547 (b) OF THE UNITED STATES BANKRUPTCY CODE; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISBURSE AN AMOUNT NOT TO EXCEED \$1,500.00 FROM FDOA 5501 (AIRPORT REVENUE FUND) 200301 (NON DEPARTMENTAL UNALLOCATED CITYWIDE EXPENSES) 5750002 (PROPERTY LIQUIDATION); AND FOR OTHER PURPOSES.

WHEREAS, Kitty Hawk Air Cargo, Inc. ("Kitty Hawk"), filed for bankruptcy on October 15, 2007, ("Petition Date"); and

WHEREAS, the City of Atlanta (City) received payments from Kitty Hawk totaling \$54,438.41 during the ninety (90) day period preceding the Petition Date; and

WHEREAS, the payments made by Kitty Hawk to the City in the amount of \$54,438.41 constitute a preference payment as defined by § 547(b) of the United States Bankruptcy Code; and

WHEREAS, Pursuant to § 547(b) of the United States Bankruptcy Code, a preference is any payment (i) made by Kitty Hawk to a creditor during the ninety (90) day period prior to the Petition Date (in this case the period between July 17, 2007 through October 14, 2007), when Kitty Hawk was insolvent, (ii) for a preexisting debt, and (iii) that allows the creditor (the City) to recover more than if it had been paid in the bankruptcy case; and

WHEREAS, the City's Department of Law negotiated the amount of the preference demand from \$54,438.41 to \$1,500.00; and

WHEREAS, pursuant to § 547(b) of the United States Bankruptcy Code, the City must pay Kitty Hawk the amount of \$1,500.00.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA GEORGIA, AS FOLLOWS:

BE IT FURTHER RESOLVED, that the City Attorney be and is hereby authorized to complete settlement of all claims which have been asserted or could have been asserted and from which negotiations have been completed with Kitty Hawk.

BE IT FURTHER RESOLVED, that the total settlement amount of Kitty Hawk's preference demand is \$1,500.00.



BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized and directed to pay Kitty Hawk the amount of \$1,500.00, as negotiated between the City and Kitty Hawk, from FDOA 5501 (Airport Revenue Fund) 200301 (Non Departmental Unallocated Citywide Expenses) 5750002 (Property Liquidation).

BE IT FURTHER RESOLVED, that the City Attorney is hereby directed to prepare the appropriate releases and other settlement documents as are necessary to protect the City's interest.

BE IT FINALLY RESOLVED, that nothing in this resolution shall operate, nor shall be construed, to estop or prejudice the City from contesting the validity of or disputing liability for any claims asserted or which could have been asserted in connection with this airline, or any of its successors firms or claims asserted by any other airline that has now or in the past had any claims against the City whether such claims are mature or are hereafter accruing.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED by Mayor kasim Reed

MAY 03, 2010
MAY 11, 2010

RCS# 209
5/03/10
2:27 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 2

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

CONSENT I

		05-03-10
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 10-O-0393	36. 10-R-0642	76. 10-R-0682
2. 10-O-0492	37. 10-R-0651	77. 10-R-0683
3. 10-O-0598	38. 10-R-0783	78. 10-R-0684
4. 10-O-0595	39. 10-R-0789	79. 10-R-0685
5. 10-O-0782	40. 10-R-0724	80. 10-R-0686
6. 10-O-0790	41. 10-R-0725	81. 10-R-0687
7. 10-R-0652	42. 10-R-0726	82. 10-R-0688
8. 10-R-0749	43. 10-R-0771	83. 10-R-0689
9. 10-R-0750	44. 10-R-0736	84. 10-R-0690
10. 10-R-0753	45. 10-R-0737	85. 10-R-0691
11. 10-R-0754	46. 10-R-0738	86. 10-R-0692
12. 10-R-0755	47. 10-R-0653	87. 10-R-0693
13. 10-R-0756	48. 10-R-0654	88. 10-R-0694
14. 10-R-0757	49. 10-R-0655	89. 10-R-0695
15. 10-R-0758	50. 10-R-0656	90. 10-R-0696
16. 10-R-0759	51. 10-R-0657	91. 10-R-0697
17. 10-R-0770	52. 10-R-0658	92. 10-R-0698
19. 10-R-0775	53. 10-R-0659	93. 10-R-0699
20. 10-R-0781	54. 10-R-0660	94. 10-R-0700
21. 10-R-0786	55. 10-R-0661	95. 10-R-0701
22. 10-R-0787	56. 10-R-0662	96. 10-R-0702
23. 10-R-0797	57. 10-R-0663	97. 10-R-0703
24. 10-R-0799	58. 10-R-0664	98. 10-R-0704
25. 10-R-0800	59. 10-R-0665	99. 10-R-0705
26. 10-R-0620	60. 10-R-0666	100. 10-R-0706
27. 10-R-0621	61. 10-R-0667	101. 10-R-0707
28. 10-R-0622	62. 10-R-0668	102. 10-R-0708
29. 10-R-0625	63. 10-R-0669	103. 10-R-0709
30. 10-R-0626	64. 10-R-0670	104. 10-R-0710
31. 10-R-0637	65. 10-R-0671	105. 10-R-0711
32. 10-R-0752	66. 10-R-0672	106. 10-R-0712
33. 10-R-0496	67. 10-R-0673	107. 10-R-0713
34. 10-R-0640	68. 10-R-0674	108. 10-R-0714
35. 10-R-0641	69. 10-R-0675	109. 10-R-0715
	70. 10-R-0676	110. 10-R-0716
	71. 10-R-0677	111. 10-R-0717
	Items Adversed	112. 10-R-0718
	72. 10-R-0678	113. 10-R-0719
	73. 10-R-0679	114. 10-R-0720
	74. 10-R-0680	115. 10-R-0721
	75. 10-R-0681	116. 10-R-0722
		117. 10-R-0723