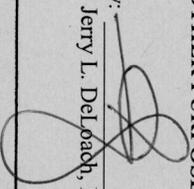


10-R-0860
(Do Not Write Above This Line)

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 GARY & TRACEY MOOREY V CITY OF ATLANTA CIVIL ACTION FILE NO. 2009-CV-167477, FULTON COUNTY SUPERIOR COURT, IN THE AMOUNT OF \$100,000.00; AUTHORIZING SAID PAYMENT TO BE PAID FROM FUND 1001 (GENERAL FUND) CENTER NUMBER 2001101 (NON DEPARTMENTAL) ACCOUNT 5212005 (LITIGATION EXPENSES) AND 1512000 (FUNCTIONAL ACTIVITY); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

Approved By: 
Jerry L. DeLoach, Deputy City Attorney

- 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 _____
Referred To: _____

Committee _____
Date _____
Chair _____
Referred To _____

First Reading

PSLA Committee

Date 5/11/10
Chair [Signature]
Action: [Signature]
Fav, Adv, Hold (see rev. side)
Other _____

Members

[Signature]
[Signature]
[Signature]
[Signature]

Refer To _____

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

ADOPTED BY
MAY 17 2010
COUNCIL

Refer To _____

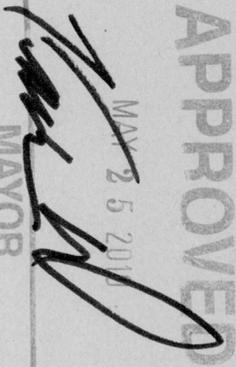
- FINAL COUNCIL ACTION**
- 2nd
 - 1st & 2nd
 - 3rd
 - Consent
 - V Vote
 - RC Vote

CERTIFIED

CERTIFIED
MAY 17 2010
ATLANTA CITY COUNCIL PRESIDENT


CERTIFIED
MAY 17 2010
Randy Daughlin Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
MAY 25 2010

MAYOR



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 GARY & TRACEY MOOREY V. CITY OF ATLANTA, CIVIL ACTION FILE NO. 2009-CV-167477, FULTON COUNTY SUPERIOR COURT, IN THE AMOUNT OF \$100,000.00; 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, Plaintiffs Gary & Tracey Moorey filed a lawsuit, *Gary Moorey and Tracey Moorey vs. City of Atlanta*, alleging that the City of Atlanta created a nuisance by failing to maintain adequate storm water drainage systems;

WHEREAS, Plaintiffs allege that due to failure and inadequacies of the City of Atlanta's storm water drainage system, their 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 Plaintiffs' claim is in excess of the settlement amount;

WHEREAS, Plaintiffs have agreed to accept \$100,000.00 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 \$100,000.00 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 *Gary Moorey and Tracey Moorey vs. City of Atlanta*, Fulton



County Superior Court, Civil Action File No. 2009-CV-167477 in the amount of One Hundred Thousand Dollars (\$100,000.00).

SECTION 2 The Chief Financial Officer is authorized to pay the amount of One Hundred Thousand Dollars (\$100,000.00) to Gary & Tracey Moorey. 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 Gary Moorey & Tracey Moorey*, 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,


Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed

MAY 17, 2010
MAY 25, 2010

RCS# 241
5/17/10
2:50 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

EXCEPT 10-O-0743, 10-R-0839

ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

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

CONSENT I

ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	05-17-10 ITEMS ADVERSED ON CONSENT
1. 10-O-0741 2. 10-O-0742 3. 10-O-0744 4. 10-O-0745 5. 10-O-0746 6. 10-O-0747 7. 10-O-0748 8. 10-O-0796 9. 10-O-0798 10. 10-O-0889 11. 10-O-0893 12. 10-O-0627 13. 10-O-0330 14. 10-O-0331 15. 10-O-0632 16. 10-O-0633 17. 10-O-0730 18. 10-O-0731 19. 10-O-0732 20. 10-O-0733 21. 10-O-0735 22. 10-O-0779 23. 10-R-0882 24. 10-R-0883 25. 10-R-0884 26. 10-R-0885 27. 10-R-0887 28. 10-R-0638 29. 10-R-0639 30. 10-R-0818 31. 10-R-0859 32. 10-R-0860 33. 10-R-0861 34. 10-R-0862	35. 10-R-0903 36. 10-R-0868 37. 10-R-0869 38. 10-R-0871 39. 10-R-0872 40. 10-R-0873 41. 10-R-0809 42. 10-R-0810 43. 10-R-0811 44. 10-R-0812 45. 10-R-0814 46. 10-R-0815 47. 10-R-0816 48. 10-R-0819 49. 10-R-0820 50. 10-R-0821 51. 10-R-0822 52. 10-R-0823 53. 10-R-0824 54. 10-R-0825 55. 10-R-0826 56. 10-R-0827	57. 10-R-0828 58. 10-R-0829 59. 10-R-0830 60. 10-R-0831 61. 10-R-0832 62. 10-R-0833 63. 10-R-0834 64. 10-R-0835 65. 10-R-0836 66. 10-R-0837 67. 10-R-0838 68. 10-R-0840 69. 10-R-0841 70. 10-R-0842 71. 10-R-0843 72. 10-R-0844 73. 10-R-0845 74. 10-R-0846 75. 10-R-0847 76. 10-R-0848 77. 10-R-0849 78. 10-R-0850 79. 10-R-0851 80. 10-R-0852 81. 10-R-0853 82. 10-R-0854 83. 10-R-0856 84. 10-R-0857 85. 10-R-0858