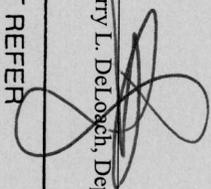


(Do Not Write Above This Line)

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 WESTREX CORPORATION V CITY OF ATLANTA, CIVIL ACTION FILE NO. 2009-CV-164800, FULTON COUNTY SUPERIOR COURT, IN THE AMOUNT OF \$2,500,000.00; AUTHORIZING SAID PAYMENT TO BE PAID FROM FUND 5051 (WATER & SEWER) CENTER NUMBER 170201 (DEPARTMENTAL), 5750002 (ACCOUNT) AND 4310000 (FUNCTIONAL ACTIVITY); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

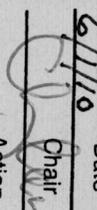
Approved By: 
Jerry L. DeLoach, Deputy City Attorney

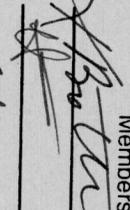
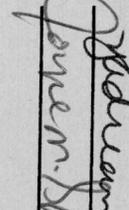
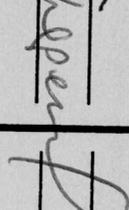
- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred
Referred To:
Date Referred
Referred To:
Date Referred
Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

PSLA Committee
Date 6/11/10
Chair 
Action Fav, Adv, Hold (see rev. side)
Other

Members 



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
JUN 07 2010
COUNCIL

Refer To _____

Committee _____
Date _____
Chair _____
Action Fav, Adv, Hold (see rev. side)
Other

Members _____
Refer To _____

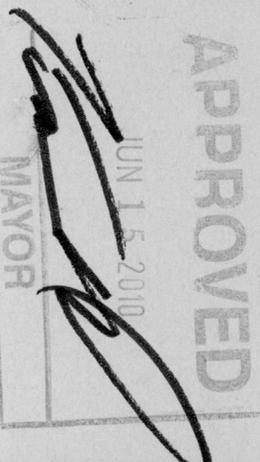
Refer To _____

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

CERTIFIED
JUN 07 2010
ATLANTA CITY COUNCIL PRESIDENT


CERTIFIED
JUN 07 2010
Ruth D. Slaughter
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
JUN 15 2010

MAYOR



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 WESTREX CORPORATION V. CITY OF ATLANTA, CIVIL ACTION FILE NO. 2009-CV-164800, FULTON COUNTY SUPERIOR COURT, IN THE AMOUNT OF \$2,500,000.00; AUTHORIZING SAID PAYMENT TO BE PAID FROM FUND 5051 (WATER & SEWER) CENTER NUMBER 170201 (DEPARTMENTAL) 5750002 (ACCOUNT) AND 4310000 (FUNCTIONAL ACTIVITY); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, Plaintiff Westrex Corporation filed a lawsuit, *Westrex Corporation vs. City of Atlanta*, alleging that the City of Atlanta created a nuisance by failing to maintain adequate sanitary sewer systems;

WHEREAS, Plaintiff alleges that due to failure and inadequacies of the City of Atlanta's sanitary sewer systems, its property sustained damages resulting from a sewer backup;

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 \$2,500,000.00 in full settlement of all claims against the City of Atlanta including interest and attorney's fees; and

WHEREAS, the City Attorney considers it to be in the best interest of the City of Atlanta to pay the amount of \$2,500,000.00 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 *Westrex Corporation vs. City of Atlanta*, Fulton County



Superior Court, Civil Action File No. 2009-CV-164800 in the amount of Two Million Five Hundred Thousand Dollars (\$2,500,000.00).

SECTION 2 The Chief Financial Officer is authorized to pay the amount of Two Million Five Hundred Thousand Dollars (\$2,500,000.00) to Westrex Corporation. Said payment is to be charged, paid and issued from Fund 5051 (Water & Sewer Fund) Center Number 170201 (Departmental) 5750002 (Account) and 4310000 (Functional Activity) and made payable to *Kopelman Sitton Law Group, as attorneys for Westrex Corporation, 950 East Paces Ferry Road, Suite 3250, 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,

Rhonda Dauphin Johnson
Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed

JUN 07, 2010
JUN 15, 2010

RCS# 282
6/07/10
3:18 PM

Atlanta City Council

REGULAR SESSION

CONSENT I EXCEPT 10-O-0877,10-O-0923,10-R-1000

ADOPT

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

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

CONSENT I

		06-07-10
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 10-O-0628	43. 10-R-0969	69. 10-R-0995
2. 10-O-0629	44. 10-R-0970	70. 10-R-0996
3. 10-O-0631	45. 10-R-0971	71. 10-R-0997
4. 10-O-0634	46. 10-R-0972	72. 10-R-0998
5. 10-O-0635	47. 10-R-0973	73. 10-R-0999
6. 10-O-0734	48. 10-R-0974	74. 10-R-1001
7. 10-O-0864	49. 10-R-0975	75. 10-R-1002
8. 10-O-0865	50. 10-R-0976	76. 10-R-1003
9. 10-O-0866	51. 10-R-0977	77. 10-R-1004
10. 10-O-0867	52. 10-R-0978	78. 10-R-1005
11. 10-O-0807	53. 10-R-0979	79. 10-R-1006
12. 10-O-0879	54. 10-R-0980	80. 10-R-1007
13. 10-O-0901	55. 10-R-0981	81. 10-R-1008
14. 10-O-0902	56. 10-R-0982	82. 10-R-1009
15. 10-O-0927	57. 10-R-0983	83. 10-R-1010
16. 10-R-0935	58. 10-R-0984	84. 10-R-1011
17. 10-R-1038	59. 10-R-0985	85. 10-R-1013
18. 10-R-1039	60. 10-R-0986	86. 10-R-1014
19. 10-R-1040	61. 10-R-0987	87. 10-R-1015
20. 10-R-0643	62. 10-R-0988	88. 10-R-1016
21. 10-R-0645	63. 10-R-0989	89. 10-R-1017
22. 10-R-0954	64. 10-R-0990	90. 10-R-1018
23. 10-R-0955	65. 10-R-0991	91. 10-R-1019
24. 10-R-0956	66. 10-R-0992	92. 10-R-1020
25. 10-R-1037	67. 10-R-0993	93. 10-R-1021
26. 10-R-0951	68. 10-R-0994	94. 10-R-1022
27. 10-R-1048		95. 10-R-1023
28. 10-R-0937		96. 10-R-1024
29. 10-R-0943		97. 10-R-1025
30. 10-R-0941		98. 10-R-1026
31. 10-R-0942		99. 10-R-1027
32. 10-R-1042		100. 10-R-1028
33. 10-R-1043		101. 10-R-1029
34. 10-R-1044		102. 10-R-1031
35. 10-R-1045		103. 10-R-1032
36. 10-R-1049		104. 10-R-1033
37. 10-R-0963		105. 10-R-1034
38. 10-R-0964		106. 10-R-1035
39. 10-R-0965		107. 10-R-1036
40. 10-R-0966		
41. 10-R-0967		
42. 10-R-0968		