

10-R-1219

(Do Not Write Above This Line)

A RESOLUTION BY 10-R-
PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF CITY OF ATLANTA V. SHARON A. PAULI, ET. AL., FULTON COUNTY SUPERIOR COURT, CIVIL ACTION FILE NO. 2009-CV-164386, IN AN AMOUNT NOT TO EXCEED TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) RELATED TO THE CONDEMNATION FOR CERTAIN SEWER EASEMENT AREAS ON PROPERTY LOCATED IN LAND LOT 59 OF THE 17TH DISTRICT OF FULTON COUNTY, GEORGIA, SAID PROPERTY HAVING THE ADDRESS OF 2573 BIRCHWOOD DRIVE,, ATLANTA, GA, OWNED BY SHARON A. PAULI; THAT ALL MONETARY SETTLEMENT AMOUNTS BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER 5066 (2009A WATER & WASTEWATER REVENUE BOND FUND) 170215 (DWM WASTEWATER SEWER REPAIR) 5411002 (EASEMENTS) 4333000 (NEW SEWER SERVICES) 102650 (SEWER GROUP 1 REHABILITATION) 21876 (2009A WATER & WASTEWATER BONDS); 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 ADOPTED BY
Referred To:

Date Referred JUL 06 2010

Referred To: COUNCIL

Date Referred

Referred To: SUBSTITUTE

First Reading
Committee _____
Date _____
Chair _____
Referred To _____

PSLA Committee

Date 6/29/10

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 _____

Refer To _____

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

CERTIFIED

CERTIFIED
JUL 06 2010

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED
JUL 06 2010

[Signature]
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JUL 15 2010

WITHOUT SIGNATURE
BY OPERATION OF LAW



**A RESOLUTION BY
PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

10-R-1219

AS SUBSTITUTED BY FULL COUNCIL

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF CITY OF ATLANTA V. SHARON A. PAULI, ET. AL., FULTON COUNTY SUPERIOR COURT, CIVIL ACTION FILE NO. 2009-CV-164386, IN AN AMOUNT NOT TO EXCEED TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) RELATED TO THE CONDEMNATION FOR CERTAIN SEWER EASEMENT AREAS ON PROPERTY LOCATED IN LAND LOT 59 OF THE 17TH DISTRICT OF FULTON COUNTY, GEORGIA, SAID PROPERTY HAVING THE ADDRESS OF 2573 BIRCHWOOD DRIVE., ATLANTA, GA, OWNED BY SHARON A. PAULI; THAT ALL MONETARY SETTLEMENT AMOUNTS BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER 5066 (2009A WATER & WASTEWATER REVENUE BOND FUND) 170215 (DWM WASTEWATER SEWER REPAIR) 5411002 (EASEMENTS) 4333000 (NEW SEWER SERVICES) 102650 (SEWER GROUP 1 REHABILITATION) 21876 (2009A WATER & WASTEWATER BONDS); AND FOR OTHER PURPOSES.

WHEREAS, Sharon Pauli (“Property Owner”) is the owner and/or has a legal interest in that certain property located in Land Lots 59 of the 17th District, said property having an address of 2573 Birchwood Drive, Atlanta, GA and a tax identification number of 0017-0059-0001-080-5 (“Property”); and

WHEREAS, the City of Atlanta (“City”) filed a condemnation petition to obtain a permanent easement interest in the Property for the purpose of operating and maintaining a certain sanitary sewer located on the Property in the matter of CITY OF ATLANTA V. SHARON PAULI, ET. AL., FULTON COUNTY SUPERIOR COURT, CIVIL ACTION FILE NO. 2009-cv-164386 (“Claim”); and

WHEREAS, pursuant to the Declaration of Taking method of condemnation, the City deposited Eighteen Thousand Nine Hundred Dollars (\$18,900.00) into the court registry according to the appraised value of the easement(s) to be acquired; and

WHEREAS, pursuant to Ordinance 07-O-0732, the City Attorney was authorized to settle the case for an amount not to exceed Twenty Two Thousand Six Hundred Eighty Dollars (\$22,680.00); and

WHEREAS, the Property Owner has agreed to settle the above referenced matter for an additional payment of Two Thousand Three Hundred Twenty Dollars (\$2,320.00) for a total monetary compensation amount of Twenty Five Thousand Dollars (\$25,000.00); and



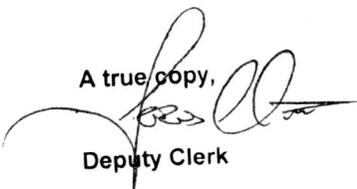
WHEREAS, the City Attorney has performed a review of this case and determined that the settlement of this case, as described above, is in the best interests of the City.

THE CITY COUNCIL OF THE CITY OF ATLANTA HEREBY RESOLVES that the City Attorney is authorized to settle the Claim and to execute all necessary documents for the settlement of the Claim for an amount not to exceed Twenty Five Thousand Dollars (\$25,000.00) by compensating the Property Owner an additional amount of Two Thousand Three Hundred Twenty Dollars (\$2,320.00), pursuant to the final settlement agreement terms as full compensation for the acquisition of the sewer easement(s) and in settlement of all claims associated with the Claim.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to pay, upon presentation and approval by the City Attorney, a total amount not to exceed Twenty Five Thousand Dollars (\$25,000.00) from 5066 (2009A WATER & WASTEWATER REVENUE BOND FUND) 170215 (DWM WASTEWATER SEWER REPAIR) 5411002 (EASEMENTS) 4333000 (NEW SEWER SERVICES) 102650 (SEWER GROUP 1 REHABILITATION) 21876 (2009A WATER & WASTEWATER BONDS) authorizing the chief financial officer to distribute the settlement amount; and for other purposes, said payment to be made payable to Sharon A. Pauli.

BE IT FINALLY RESOLVED that all resolutions or parts of resolutions in conflict herewith are hereby waived to the extent of the conflict.

A true copy,


Deputy Clerk

ADOPTED by the Atlanta Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

JUL 06, 2010

JUL 15, 2010

RCS# 435
7/06/10
5:09 PM

Atlanta City Council

REGULAR SESSION

10-R-1219

AUTH.SETTLEMENT OF ALL CLAIMS IN THE
CASE OF THE CITY VS.SHARON A PAULI ET AL
ADOPT ON SUB

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

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

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