

10-R-1274

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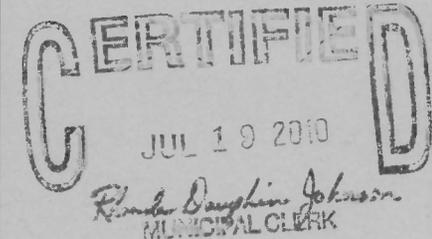
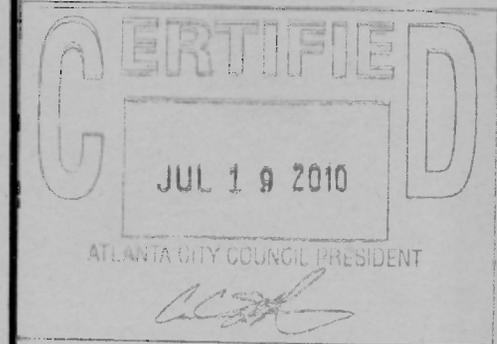
First Reading

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

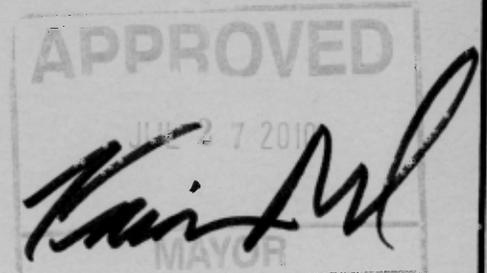
FINAL COUNCIL ACTION

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

CERTIFIED



MAYOR'S ACTION



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  
GWENDOLYN MCDONALD V CITY OF  
ATLANTA, CIVIL ACTION FILE NO. 2008-EV-  
006152, FULTON COUNTY STATE COURT, IN  
THE AMOUNT OF \$17,500.00; 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.

Approved By:

*Jerry L DeLoach*  
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:

PSLA Committee  
Date 7/13/10  
Chair *[Signature]*  
Action Fav, Adv, Hold (see rev. side)  
Other  
Members *[Signatures]*  
Refer To *[Signature]*

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  
ADOPTED BY  
JUL 19 2010  
COUNCIL  
Refer To

Committee  
Date  
Chair  
Action Fav, Adv, Hold (see rev. side)  
Other  
Members  
Refer To



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 GWENDOLYN MCDONALD V. CITY OF ATLANTA, CIVIL ACTION FILE NO. 2008-EV-006152, FULTON COUNTY STATE COURT, IN THE AMOUNT OF \$17,500.00; 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 Gwendolyn McDonald filed a lawsuit, *Gwendolyn McDonald 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 \$17,500.00 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 \$17,500.00 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 *Gwendolyn McDonald vs. City of Atlanta*, Fulton County State

Court, Civil Action File No. 2008-EV-006152 in the amount of Seventeen Thousand Five Hundred Dollars (\$17,500.00).

**SECTION 2** The Chief Financial Officer is authorized to pay the amount of Seventeen Thousand Five Hundred Dollars (\$17,500.00) to Gwendolyn McDonald. 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 Gwendolyn McDonald, 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.

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A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk

ADOPTED by the Atlanta City Council  
APPROVED by Mayor Kasim Reed

JUL 19, 2010  
JUL 27, 2010

RCS# 449  
7/19/10  
3:09 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

EXCEPT 10-O-1227

ADOPT

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 4

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

CONSENT I

		07-19-10
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	
1. 10-O-0808	39. 10-R-1286	59. 10-R-1302
2. 10-O-1206	40. 10-R-1287	60. 10-R-1303
3. 10-O-1207	41. 10-R-1325	61. 10-R-1304
4. 10-O-1248	42. 10-R-1326	62. 10-R-1305
5. 10-O-1250	43. 10-R-1332	63. 10-R-1306
6. 10-O-1346	44. 10-R-1288	64. 10-R-1307
7. 10-O-0305	45. 10-R-1289	65. 10-R-1308
8. 10-O-1204	46. 10-R-1290	66. 10-R-1309
9. 10-O-1220	47. 10-R-1291	67. 10-R-1310
10. 10-O-1214	48. 10-R-1292	68. 10-R-1311
11. 10-O-1337	49. 10-R-1293	69. 10-R-1312
12. 10-O-1251	50. 10-R-1293	70. 10-R-1313
13. 10-R-1259	51. 10-R-1294	71. 10-R-1314
14. 10-R-1260	52. 10-R-1295	72. 10-R-1315
15. 10-R-1261	53. 10-R-1296	73. 10-R-1316
16. 10-R-1263	54. 10-R-1297	74. 10-R-1317
17. 10-R-1264	55. 10-R-1298	75. 10-R-1318
18. 10-R-1265	56. 10-R-1299	76. 10-R-1319
19. 10-R-1266	57. 10-R-1300	77. 10-R-1320
20. 10-R-1267	58. 10-R-1301	78. 10-R-1321
21. 10-R-1268		79. 10-R-1322
22. 10-R-1269		80. 10-R-1323
23. 10-R-1270		81. 10-R-1324
24. 10-R-1271		
25. 10-R-1280		
26. 10-R-1281		
27. 10-R-1282		
28. 10-R-1283		
29. 10-R-1331		
30. 10-R-1273		
31. 10-R-1344		
32. 10-R-1274		
33. 10-R-1275		
34. 10-R-1336		
35. 10-R-1277		
36. 10-R-1278		
37. 10-R-1284		
38. 10-R-1285		