

**10-R-2011**  
(Do Not Write Above This Line)

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 LUNAS AARON, ET AL. VS. CITY OF ATLANTA, CIVIL ACTION FILE NO. 2007-EV-003768, FULTON COUNTY STATE COURT. IN THE AMOUNT OF \$85,000.00; AUTHORIZING SAID PAYMENT TO BE PAID FROM FUND 5051 (WATER & SEWER) CENTER NUMBER 170201 (DEPARTMENTAL) 5750002 ACCOUNT (LITIGATION EXPENSES) AND 4310000 (FUNCTIONAL ACTIVITY); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

APPROVED BY:  
*[Signature]*  
JERRY 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:  
Date Referred  
Referred To:

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred to \_\_\_\_\_

PSLA  
Committee

Date 11/30/10

Chair *[Signature]*  
Action: *[Signature]*

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

Members  
*[Signature]*

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  
Members

DEC 06 2010

COUNCIL

Refer To \_\_\_\_\_

FINAL COUNCIL ACTION

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

CERTIFIED

CERTIFIED  
DEC 06 2010

ATLANTA CITY COUNCIL PRESIDENT  
*[Signature]*

CERTIFIED  
DEC 06 2010  
*[Signature]*  
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

*[Signature]*  
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 LUNAS AARON, ET AL. V. CITY OF ATLANTA, GEORGIA, CIVIL ACTION FILE NO. 2007-EV-003768, FULTON STATE COURT, IN THE TOTAL AMOUNT OF \$85,000.00; 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**, Plaintiffs Lunas Aaron, Mildred Anderson, Emma Snow and Charles Young filed a lawsuit, *Lunas Aaron, et al. vs. City of Atlanta*, alleging that the City of Atlanta created a nuisance by failing to maintain adequate sanitary sewer systems;

**WHEREAS**, Plaintiffs allege that due to failure and inadequacies of the City of Atlanta's sanitary sewer systems, their properties sustained damage resulting from sanitary sewer backups;

**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' claims is in excess of the settlement amount;

**WHEREAS**, Plaintiffs have agreed to accept \$85,000.00 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 to pay the Plaintiffs the amount of \$85,000.00 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 *Lunas Aaron, et al. vs. City of Atlanta*, Fulton County State



Court, Civil Action File No. 2007-EV-003768, in the amount of Eighty-Five Thousand Dollars (\$85,000.00).

**SECTION 2** The Chief Financial Officer is authorized to pay the amount of Eighty-Five Thousand Dollars (\$85,000.00) to Lunas Aaron, Mildred Anderson, Emma Snow and Charles Young. 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 *Martin & Jones, as attorneys for Lunas Aaron, Mildred Anderson, Emma Snow and Charles Young, 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,  
*Rhonda Daughin Johnson*  
Municipal Clerk

ADOPTED by the Atlanta City Council  
APPROVED by Mayor Kasim Reed

DEC 06, 2010  
DEC14, 2010

RCS# 709  
12/06/10  
2:33 PM

Atlanta City Council

REGULAR SESSION

CONSENT I                    EXCEPT 10-O-1919,10-O-1991,10-O-2107

ADOPT

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

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

CONSENT I

<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADOPTED ON CONSENT</b>	<b>12-06-10 ITEMS ADVERSED ON CONSENT</b>
1. 10-O-1656 2. 10-O-1878 3. 10-O-1879 4. 10-O-1920 5. 10-O-1921 6. 10-O-1990 7. 10-O-1992 8. 10-O-2095 9. 10-O-1893 10. 10-O-1894 11. 10-O-1895 12. 10-O-1965 13. 10-O-1966 14. 10-O-1967 15. 10-O-1993 16. 10-O-1995 18. 10-O-2094 19. 10-O-2105 20. 10-O-2106 21. 10-O-1914 22. 10-O-1915 23. 10-O-1972 24. 10-O-1973 25. 10-O-1974 26. 10-R-1657 27. 10-R-1922 28. 10-R-1924 29. 10-R-1925 30. 10-R-1926 31. 10-R-2008 32. 10-R-2109 33. 10-R-2084 34. 10-R-2086 35. 10-R-2087 36. 10-R-2088 37. 10-R-2089 38. 10-R-2090 39. 10-R-2113 40. 10-R-2114 41. 10-R-2115	42. 10-R-2128 43. 10-R-2132 44. 10-R-2005 45. 10-R-2072 46. 10-R-2073 47. 10-R-2108 48. 10-R-2119 49. 10-R-2120 50. 10-R-2121 51. 10-R-2124 52. 10-R-2011 53. 10-R-1996 54. 10-R-2000 55. 10-R-2001 56. 10-R-2002 57. 10-R-2074 58. 10-R-2075 59. 10-R-2076 60. 10-R-2012 61. 10-R-2013 62. 10-R-2014 63. 10-R-2015 64. 10-R-2015 65. 10-R-2016 66. 10-R-2017 67. 10-R-2018 68. 10-R-2019 69. 10-R-2020 70. 10-R-2021 71. 10-R-2022 72. 10-R-2023 73. 10-R-2024 74. 10-R-2025 75. 10-R-2026 76. 10-R-2027 77. 10-R-2029 78. 10-R-2030 79. 10-R-2031 80. 10-R-2032 81. 10-R-2033 82. 10-R-2129	83. 10-R-2034 84. 10-R-2035 85. 10-R-2036 86. 10-R-2037 87. 10-R-2038 88. 10-R-2039 89. 10-R-2040 90. 10-R-2041 91. 10-R-2042 92. 10-R-2043 93. 10-R-2044 94. 10-R-2045 95. 10-R-2046 96. 10-R-2047 97. 10-R-2048 98. 10-R-2049 99. 10-R-2050 100. 10-R-2051 101. 10-R-2052 102. 10-R-2053 103. 10-R-2054 104. 10-R-2055 105. 10-R-2056 106. 10-R-2057 107. 10-R-2058 108. 10-R-2059 109. 10-R-2060 110. 10-R-2061 111. 10-R-2062 112. 10-R-2063 113. 10-R-2064 114. 10-R-2065 115. 10-R-2066 116. 10-R-2067 117. 10-R-2068 118. 10-R-2069 119. 10-R-2070