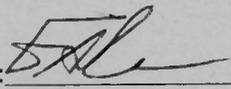


11-0854

(Do Not Write Above This Line)

A RESOLUTION BY  
PUBLIC SAFETY AND LEGAL ADMINISTRATION  
COMMITTEE

A RESOLUTION AUTHORIZING THE CITY  
ATTORNEY TO ENTER INTO A SETTLEMENT  
WITH A CONDEMNEE IN THE MATTER OF THE  
CITY OF ATLANTA V. ALFRED L. ROTHSTEIN,  
CIVIL ACTION FILE NO. 2009CV177469 PENDING  
IN THE SUPERIOR COURT OF FULTON COUNTY;  
TO AUTHORIZE THE PAYMENT IN AN AMOUNT  
NOT TO EXCEED \$4,500.00 TO BE PAID FROM  
13102384 (PROJECT) 101 (TASK) 5411001  
(ACCOUNT) 350291105 (AWARD); AND FOR  
OTHER PURPOSES.

Approved By:   
Eric Richardson,  
Interim Deputy City Attorney

ADOPTED BY  
JUN 06 2011

COUNCIL

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

Date Referred

Referred To:

Date Referred

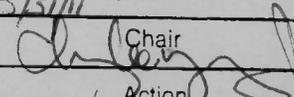
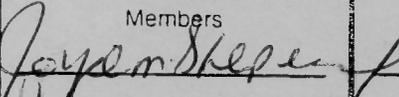
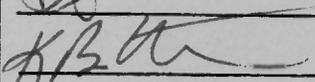
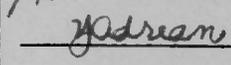
Referred To:

Date Referred

Referred To:

First Reading

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

PSLA Committee  
 5/31/11 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

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

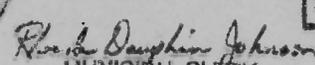
Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action  
 Fav, Adv, Hold (see rev. side)  
 Other  
 Members \_\_\_\_\_  
 Refer To

FINAL COUNCIL ACTION

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

CERTIFIED

CERTIFIED  
 JUN 06 2011  
 ATLANTA CITY COUNCIL PRESIDENT  


CERTIFIED  
 JUN 06 2011  
  
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JUN 15

WITHOUT SIGNATURE  
BY OPERATION OF LAW

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

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO A SETTLEMENT WITH A CONDEMNEE IN THE MATTER OF THE CITY OF ATLANTA V. ALFRED L. ROTHSTEIN, CIVIL ACTION FILE NO. 2009CV177469 PENDING IN THE SUPERIOR COURT OF FULTON COUNTY; TO AUTHORIZE THE PAYMENT IN AN AMOUNT NOT TO EXCEED \$4500.00 TO BE PAID FROM 13102384 (PROJECT) 101 (TASK) 5411001 (ACCOUNT) 350291105 (AWARD); AND FOR OTHER PURPOSES.**

**WHEREAS**, Alfred L. Rothstein (hereinafter referred to as "owner") owns property along Ralph David Abernathy Blvd., Atlanta, Georgia ("the property"); and

**WHEREAS**, the City sought to acquire an easement across the owner's property under its eminent domain authority for the Ralph David Abernathy Streetscape Project; and

**WHEREAS**, a Petition for Condemnation and Declaration of Taking was filed by the City of Atlanta in the matter of City of Atlanta v. Alfred L. Rothstein, which is now pending in the Superior Court of Fulton County as Civil Action File No. 2009CV177469; and

**WHEREAS**, the City has already deposited \$2,150.00 into the registry of the Court pursuant to the Declaration of Taking; and

**WHEREAS**, the owner will agree to a settlement of all claims for the amount of \$6,650.00, or an additional payment by the City of \$4,500.00, for the property easement taken in the condemnation action; and

**WHEREAS**, the compromise litigation has been determined by the City Attorney to be justified due to the fact that the owner was offered \$800,000.00 to purchase the entire property, which far exceeds the approximate \$144,000.00 fair market value that the City of Atlanta's appraiser placed on the property; and

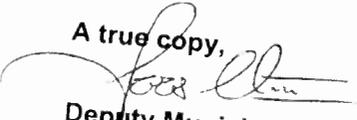
**WHEREAS**, this settlement amount exceeds the 20% above the initial estimated just compensation for the affected property that is authorized under Ordinance 08-O-0189, City Council authorization is necessary to conclude this action.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES**, that the City Attorney is authorized to settle the civil action of the City of Atlanta v. Alfred L. Rothstein which is now pending in the Superior Court of Fulton County as Civil Action No. 2009CV177469 for the amount of \$6,650.00 by depositing an additional \$4,500.00 as further compensation for the property taken in this condemnation action.

Be it further resolved, that the Chief Financial Officer be and is authorized to pay and deposit into the registry of the Superior Court of Fulton County, upon presentation and approval by the City Attorney, an amount not to exceed \$4,500.00 to be expended from 13102384 (Project) 101 (Task) 5411001 (Account) 350291105 (Award).

**BE IT FINALLY RESOLVED**, that resolutions and parts of resolutions in conflict herewith are hereby waived for purposes of this resolution only, and only to the extent of the conflict.

A true copy,

  
Deputy Municipal Clerk

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

June 06, 2011

June 15, 2011

RCS# 1077  
6/06/11  
2:28 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

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

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

CONSENT I