

11- R -0930

(Do Not Write Above This Line)

A RESOLUTION

11-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 TERRY S. ARMSTRONG AND LINDA ANN GRIFFIN V. CITY OF ATLANTA, GEORGIA, CIVIL ACTION FILE NO. 2008-EV-003802, FULTON COUNTY STATE COURT, IN THE TOTAL AMOUNT OF \$89,000.00; 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.

ADOPTED BY

Eric Richardson, Interim Deputy City Attorney

JUL 05 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

Committee: PSLA, Date: 6/28/11, Chair, Action: Fav, Adv, Hold (see rev. side), Members: Joanne Thayer, Madrian, A. S. W., Refer To

Committee, Date, Chair, Action: Fav, Adv, Hold (see rev. side), 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 JUL 05 2011 ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED JUL 05 2011 Rhonda Daughlin Johnson MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JUL 14 2011

WITHOUT SIGNATURE BY OPERATION OF LAW



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WHEREAS, Plaintiffs Terry S. Armstrong and Linda Ann Griffin filed a lawsuit, *Terry S. Armstrong and Linda Ann Griffin vs. City of Atlanta*, alleging that the City of Atlanta created a nuisance by failing to maintain adequate storm water drainage systems;

WHEREAS, Plaintiffs allege that due to failure and inadequacies of the City of Atlanta's storm water drainage systems, their properties sustained damages resulting from storm water drainage and flooding;

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, Plaintiff Terry S. Armstrong has agreed to accept \$40,000.00 in full settlement of all claims against the City of Atlanta including interest and attorney's fees;

WHEREAS, Plaintiff Linda Ann Griffin has agreed to accept \$49,000.00 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 total amount of \$89,000.00 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 *Terry S. Armstrong and Linda Ann Griffin vs. City of Atlanta*, Fulton County State Court, Civil Action File No. 2008-EV-003802, in the amount of Eighty-Nine Thousand Dollars (\$89,000.00).

**SECTION 2** The Chief Financial Officer is authorized to pay the amount of Eighty-Nine Thousand Dollars (\$89,000.00) to Terry S. Armstrong and Linda Ann Griffin. 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 Terry S. Armstrong and Linda Ann Griffin*, 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,

A handwritten signature in black ink, appearing to read "L. S. [unclear]".

Deputy Clerk

ADOPTED by the Atlanta City Council July 05, 2011  
RETURNED WITHOUT SIGNATURE OF THE MAYOR  
APPROVED as per City Charter Section 2-403 July 14, 2011





