

11-R-1403

(Do Not Write Above This Line)
A RESOLUTION BY PUBLIC
SAFETY AND LEGAL
ADMINISTRATION COMMITTEE

RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF CITY OF ATLANTA V. CLARA COMEAUX FUNDERBURG, FULTON COUNTRY SUPERIOR COURT, CIVIL ACTION FILE NO. 2009-CV-176250, RELATED TO THE CONDEMNATION OF CERTAIN SEWER EASEMENT, AND SETTLEMENT OF A CERTAIN CLAIM FOR DAMAGES TO CERTAIN PROPERTY HAVING THE ADDRESS OF 2990 STONE HOGAN CONNECTOR ROAD, ATLANTA, GEORGIA, WITH A FULTON COUNTY TAX IDENTIFICATION NO. OF 0014-0228-LL-047-9, OWNED BY CLARA COMEAUX FUNDERBURG IN AN AMOUNT OF ONE HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$175,000); THAT ALL MONETARY SETTLEMENT AMOUNTS BE CHARGED TO AND PAID FROM 17102645 (CAMP CREEK BASIN RELIEF PROJECTS) TASK 103 AWARD 506621876 (2009A WATER & WASTEWATER BONDS) 5411002 (EASEMENTS) COA; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

- 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 _____

PLA Committee
 Date 9/27/11
 Chair [Signature]
 Action [Signature]
 Fav, Adv, Hold (see rev. side)
 Other

Members
[Signature]
[Signature]

Refer To
[Signature]
[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 _____

Members _____

ADOPTED BY

OCT 03 2011

COUNCIL

Refer To _____

FINAL COUNCIL ACTION

- 2nd
- 1st & 2nd
- 3rd
- Consent
- V Vote
- FC Vote

CERTIFIED

CERTIFIED
 OCT 03 2011
 ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
 OCT 03 2011
[Signature]
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

OCT 12 2011

WITHOUT SIGNATURE
 BY OPERATION OF LAW



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

11-R-

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF CITY OF ATLANTA V. CLARA COMEAUX FUNDERBURG, FULTON COUNTY SUPERIOR COURT, CIVIL ACTION FILE NO. 2009-CV-176250, RELATED TO THE CONDEMNATION OF CERTAIN SEWER EASEMENT, AND SETTLEMENT OF A CERTAIN CLAIM FOR DAMAGES TO CERTAIN PROPERTY HAVING THE ADDRESS OF 2990 STONE HOGAN CONNECTOR ROAD, ATLANTA, GEORGIA, WITH A FULTON COUNTY TAX IDENTIFICATION NO. OF 0014-0228-LL-047-9, OWNED BY CLARA COMEAUX FUNDERBURG IN AN AMOUNT OF ONE HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$175,000); THAT ALL MONETARY SETTLEMENT AMOUNTS BE CHARGED TO AND PAID FROM 17102645 (CAMP CREEK BASIN RELIEF PROJECTS) TASK 103 AWARD 506621876 (2009A WATER & WASTEWATER BONDS) 5411002 (EASEMENTS) COA; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, Clara Funderburg ("Property Owner") is the owner and/or has a legal interest in that certain property located in Land Lot 228 of the 14th District, said property having an address of 2990 Stone Hogan Rd., Atlanta, GA and a tax identification number of 0014-0228-LL-047-9 ("Property"); and

WHEREAS, the City of Atlanta ("City"), from 2007 through, beyond and including September 30, 2009, engaged in construction, maintenance, repair, enlargement, enhancement, improvement, entry access, support, or operation activities related to the Camp Creek Basin Capacity Relief Project, pursuant to the Stockade Combined Sewer Basin Project ("Project") on the Property; and

WHEREAS, on September 30, 2009, the Property Owner filed an Ante Litem Notice ("Notice") alleging damage to the Property as result of the Project ("Claim"); and

WHEREAS, on October 9, 2009, the City filed a Petition for Condemnation ("Petition") to obtain a permanent sewer easement and a temporary construction easement interest in the Property for the Project upon the Property in the matter of CITY OF ATLANTA V. CLARA COMEAUX FUNDERBURG, FULTON COUNTY SUPERIOR COURT, CIVIL ACTION FILE NO. 2009-CV-176250 ("Condemnation Claim"); and

WHEREAS, pursuant to the Declaration of Taking method of condemnation, the City deposited Fifteen Thousand Seven Hundred Dollars (\$15,700.00) into the court registry according to the appraised value of the easement(s) to be acquired; and



WHEREAS, the Property Owner and the City have reached a settlement agreement where the Property Owner has agreed to settle the above referenced matters for a payment of One Hundred Seventy Five Thousand Dollars (\$175,000.00), in settlement of the Claim, Condemnation and a full release of all claims against the City and the City's Contractor; 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 Construction Claim and the Condemnation Claim and to execute all necessary documents for the settlement of the Claim for an amount not to exceed One Hundred Seventy Five Thousand Dollars (\$175,000.00), pursuant to the final settlement agreement terms as full compensation for the Condemnation of the property, in settlement of all claims associated with the Claim, and full release of City and City's Contractor.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to pay, upon presentation and approval by the City Attorney, an amount not to exceed One Hundred Sixty Five Thousand Dollars (\$175,000.00) payable to Clara Comeaux Funderburg from PT AEO 17102645 (CAMP CREEK BASIN RELIEF PROJECTS) TASK 103 AWARD 506621876 (2009A WATER & WASTEWATER BONDS) 5411002 (EASEMENTS) COA.

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,

Rhonda Daughin Johnson
Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

OCT 03, 2011
OCT 12, 2011

RCS# 1451
10/03/11
2:50 PM

Atlanta City Council

REGULAR SESSION

CONSENT I CONSENT AGENDA SECTION I OF OCT. 3, 2011

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

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

CONSENT I

		10-03-11
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	
<ol style="list-style-type: none"> 1. 11-O-1418 2. 11-O-1319 3. 11-O-1320 4. 11-O-1321 5. 11-O-1322 6. 11-O-1324 7. 11-O-1346 8. 11-O-1405 9. 11-O-1408 10. 11-O-1409 11. 11-O-1314 12. 11-O-1315 13. 11-O-1316 14. 11-O-1311 15. 11-O-1241 16. 11-O-1413 17. 11-R-1378 18. 11-R-1379 19. 11-R-1386 20. 11-R-1403 21. 11-R-1384 22. 11-R-1385 23. 11-R-1381 24. 11-R-1416 25. 11-R-1373 26. 11-R-1423 27. 11-R-1387 28. 11-R-1388 29. 11-R-1389 30. 11-R-1390 31. 11-R-1391 32. 11-R-1392 33. 11-R-1393 34. 11-R-1394 35. 11-R-1395 36. 11-R-1396 	<ol style="list-style-type: none"> 37. 11-R-1397 38. 11-R-1398 39. 11-R-1399 40. 11-R-1400 41. 11-R-1401 42. 11-R-1402 	