12-R-0269

(Do Not Write Above This Line)

A RESOLUTION BY
PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE MATTER OF CITY OF ATLANTA V. STEPHANUS LOUW, FULTON COUNTRY SUPERIOR COURT, CIVIL ACTION FILE NO. 2005-CV-110237, IN AN AMOUNT NOT TO EXCEED FIFTEEN THOUSAND DOLLARS ($15,000.00) IN SETTLEMENT OF THE CONDEMNATION OF A DEEP TUNNEL SEWER EASEMENT FOR THE WEST AREA TUNNEL PROJECT; THAT ALL MONETARY SETTLEMENT AMOUNTS BE CHARGED TO AND PAID FROM 5052 (WATER AND WASTEWATER RENEWAL AND EXTENSION FUND) 170215 (DWM WASTEWATER SEWER REPAIR) 5414002 (FACILITIES OTHER THAN BLDGS/INFRASTRUCTURE CIP) 4333000 (NEW SEWER SERVICES) 102066 (CSO-WEST TUNNELS) AND 21391 (DWM RNE 9999); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE REMAINING 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

Refferred To:

Date Referred

Referred To:

First Reading

Committee
Date
Chair
Referred To

PSLA Committee	Committee
2/28/12 Date	Date
Chair	Chair
Action Fav, Adv, Hold (see rev. side) Other	Action Fav, Adv, Hold (see rev. side) Other
Members	Members
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action Fav, Adv, Hold (see rev. side) Other	Action Fav, Adv, Hold (see rev. side) Other
Members ADOPTED BY MAR 05 2012 COUNCIL	Members
Refer To	Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd Readings

☑ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

CERTIFIED
MAR 05 2012
COUNCIL PRESIDENT PROTEM

CERTIFIED
MAR 05 2012
Rhonda Dauphin Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
MAR 14 2012
WITHOUT SIGNATURE
BY OPERATION OF LAW

CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION BY
PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE

12- R -0269

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE MATTER OF CITY OF ATLANTA V. STEPHANUS LOUW, FULTON COUNTRY SUPERIOR COURT, CIVIL ACTION FILE NO. 2005-CV-110237, IN AN AMOUNT NOT TO EXCEED FIFTEEN THOUSAND DOLLARS ($15,000.00) IN SETTLEMENT OF THE CONDEMNATION OF A DEEP TUNNEL SEWER EASEMENT FOR THE WEST AREA TUNNEL PROJECT; THAT ALL MONETARY SETTLEMENT AMOUNTS BE CHARGED TO AND PAID FROM 5052 (WATER AND WASTEWATER RENEWAL AND EXTENSION FUND) 170215 (DWM WASTEWATER SEWER REPAIR) 5414002 (FACILITIES OTHER THAN BLDGS/INFRASTRUCTURE CIP) 4333000 (NEW SEWER SERVICES) 102066 (CSO-WEST TUNNELS) AND 21391 (DWM RNE 9999); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE REMAINING SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, Stephanus Louw ("Property Owner") is the owner and/or has a legal interest in that certain property having an address of 230-232 Westminister Drive, Atlanta, GA and a Fulton County tax identification number of 0017-0055-0002-019 ("Property"); and

WHEREAS, the City of Atlanta ("City") needed a deep tunnel subsurface sewer easement interest for approximately .06 acres, more or less ("Easement"), for the purpose of completing the West Area Sewer Tunnel Project, as included in the project known as the West Side Combined Sewer System Improvements, WSRE 29, which lies approximately 158 feet below the surface of the Property ("Project"); and

WHEREAS, the City filed a Petition for Condemnation to obtain the needed Easement, in the matter of CITY OF ATLANTA V. STEPHANUS LOUW, FULTON COUNTY SUPERIOR COURT, CIVIL ACTION FILE NO. 2005-CV-110237 ("Condemnation") and deposited Five Thousand Dollars ($5,000.00) into the court registry according to the appraised value of the Easement to be condemned; and

WHEREAS, the Property Owner and the City have reached a tentative settlement agreement where the Property Owner has agreed to settle the above referenced matter for a payment of Fifteen Thousand Dollars ($15,000.00) in settlement of the Condemnation and full release of the City; 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 Condemnation and to execute all necessary documents for the settlement of the Condemnation for an amount not to exceed Fifteen Thousand Dollars ($15,000.00), pursuant to the final settlement agreement terms as full compensation for the Condemnation of the Property, in settlement of the Condemnation, and full release of City.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to pay into the Fulton County Court Registry, upon presentation and approval by the City Attorney, an additional amount of Ten Thousand Dollars ($10,000.00), representing the amount over the original Five Thousand Dollars ($5,000.00) previously deposited needed to reach the total agreed upon settlement value, from 5052 (Water and Wastewater Renewal and Extension Fund) 170215 (DWM Wastewater Sewer Repair) 5414002 (Facilities Other Than Bldgs./Infrastructure CIP) 4333000 (New Sewer Services) 102066 (CSO-West Tunnels) and 21391 (DWM RNE 9999) for the purposes of settling all claims associated with the Condemnation; and

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,

Deputy Clerk

ADOPTED by the Atlanta City Council **MAR 05, 2012**
APPROVED as per City Charter Section 2-403 **MAR 14, 2012**

RCS# 1773
3/05/12
2:21 PM

Atlanta City Council

CONSENT I

MONDAY, MARCH 5, 2012 AGENDA
EXCEPT 12-R-0249
ADOPT AS AMNDED

YEAS:	10
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	0
EXCUSED:	0
ABSENT	6

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

		03-05-12
ITEMS ADOPTED ON CONSENT	**ITEMS ADVERSED ON CONSENT**	**ITEMS ADVERSED ON CONSENT**
1. 12-O-0278 2. 12-O-0279 3. 12-O-0283 4. 12-O-0060 5. 12-O-0099 6. 12-O-0188 7. 12-O-0189 8. 12-R-0253 9. 12-R-0268 10. 12-R-0269 11. 12-R-0270 12. 12-R-0237 13. 12-R-0238 14. 12-R-0244 15. 12-R-0245 16. 12-R-0247 17. 12-R-0248 19 12-R-0251 20. 12-R-0252 21. 12-R-0276 22. 12-R-0280 23. 12-R-0216 24. 12-R-0281 25. 12-R-0254 26. 12-R-0255 27. 12-R-0256 28. 12-R-0257 29. 12-R-0258 30. 12-R-0259 31. 12-R-0260 32. 12-R-0261 33. 12-R-0262 34. 12-R-0263 35. 12-R-0264	36. 12-R-0265 37. 12-R-0266 38. 12-R-0267	