

12-R-1078
(Do Not Write Above This Line)

A RESOLUTION

BY THE PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASES OF HARBOR GROVE APARTMENTS LLC V. CITY OF ATLANTA ET AL, CIVIL ACTION FILE NO. 2007CV141161, FULTON COUNTY SUPERIOR COURT, IN THE AMOUNT OF \$85,000.00 (THE "SETTLEMENT AMOUNT"); AUTHORIZING THE SETTLEMENT AMOUNT TO BE CHARGED TO AND PAID FROM ACCOUNT 501 (WATER & SEWER), CENTER NUMBER 170201 (DEPARTMENTAL), 5750002 (ACCOUNT) AND 4310000 (FUNCTIONAL) AND AUTHORIZING THE PAYMENT OF \$85,000.00; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

APPROVED BY

Eric A. Richardson

ERIC A. RICHARDSON
Deputy City Attorney

ADOPTED BY
SEP 04 2012

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:
Date Referred
Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

PSLA 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

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

- FINAL COUNCIL ACTION
- 2nd
 - 1st & 2nd
 - 3rd
 - Consent
 - V Vote
 - RC Vote

CERTIFIED
SEP 04 2012

ATLANTA CITY COUNCIL PRESIDENT

Richard Douglas Johnson

CERTIFIED
SEP 04 2012

Richard Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

SEP 13 2012

WITHOUT SIGNATURE
BY OPERATION OF LAW



A RESOLUTION

**BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE**

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASES OF HARBOR GROVE APARTMENTS LLC v. CITY OF ATLANTA, ET AL., CIVIL ACTION FILE NO. 2007CV141161, FULTON COUNTY SUPERIOR COURT, IN THE AMOUNT OF \$85,000.00 (THE “SETTLEMENT AMOUNT”); AUTHORIZING THE SETTLEMENT AMOUNT TO BE CHARGED TO AND PAID FROM ACCOUNT 5051 (WATER & SEWER), CENTER NUMBER 170201 (DEPARTMENTAL), 5750002 (ACCOUNT) AND 4310000 (FUNCTIONAL ACTIVITY); AUTHORIZING THE PAYMENT OF \$85,00.00; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, Harbor Grove Apartments LLC v. City of Atlanta, et al. is a lawsuit in which plaintiff alleged that the City of Atlanta unnecessarily delayed in the provision of water to it and improperly withheld the sale of a water meter to plaintiff; and

WHEREAS, plaintiff sought injunctive relief and monetary damages, including attorneys’ fees and costs of litigation; and

WHEREAS, after extensive discussions, the parties desire to resolve plaintiff’s claims; and

WHEREAS, plaintiffs have agreed to accept the Settlement Amount in full settlement of all claims against the City, inclusive of interest and attorney’s fees; and

WHEREAS, the City Attorney has done extensive review of the facts and the law and has determined that the City’s potential financial exposure in defending plaintiff’s claims is far in excess of the settlement amount; and

WHEREAS, the City Attorney considers it to be in the best interest of the City to pay the Settlement Amount to settle all claims against the City.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby resolves as follows:



SECTION 1. The City Attorney is hereby authorized to consummate the settlement in the case of **Harbor Grove Apartments LLC v. City of Atlanta, et al.** for the Settlement Amount, and upon such additional reasonable terms as determined appropriate by the City Attorney.

SECTION 2. The Chief Financial Officer is authorized to make payment from **ACCOUNT 5051 (WATER & SEWER), CENTER NUMBER 170201 (DEPARTMENTAL), 5750002 (ACCOUNT) AND 4310000 (FUNCTIONAL ACTIVITY).** Payment shall be made in the form of a **check in the amount of \$85,000.00 and shall be payable to Smith, Currie & Hancock LLP, attorneys for Harbor Grove Apartments, LLC.**

A true copy,

A handwritten signature in black ink, appearing to be "K. S. ...", written over a horizontal line.

Deputy Municipal Clerk

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

September 04, 2012
September 13, 2012

RCS# 2239
9/04/12
2:43 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I
9/4/2012
ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 3

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

CONSENT I

		09-04-12
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 12-O-1132	35. 12-R-1086	48. 12-R-1114
2. 12-O-1144	36. 12-R-1087	49. 12-R-1115
3. 12-O-1142	37. 12-R-1088	50. 12-R-1116
4. 12-O-0349	38. 12-R-1104	51. 12-R-1117
5. 12-O-1134	39. 12-R-1105	52. 12-R-1118
6. 12-O-1135	40. 12-R-1106	53. 12-R-1119
7. 12-R-1097	41. 12-R-1107	54. 12-R-1120
8. 12-R-1098	42. 12-R-1108	55. 12-R-1121
9. 10-R-1099	43. 12-R-1109	56. 12-R-1122
10. 12-R-1100	44. 12-R-1110	57. 12-R-1123
11. 12-R-1102	45. 12-R-1111	58. 12-R-1124
12. 11-R-1103	46. 12-R-1112	59. 12-R-1125
13. 12-R-1130	47. 12-R-1113	60. 12-R-1126
14. 12-R-1057		61. 12-R-1127
15. 12-R-1058		
16. 12-R-1059		
17. 12-R-1060		
18. 12-R-1061		
19. 12-R-1062		
20. 12-R-1145		
21. 12-R-1064		
22. 12-R-1065		
23. 12-R-1066		
24. 12-R-1148		
25. 12-R-1073		
26. 12-R-1074		
27. 12-R-1075		
28. 12-R-1076		
29. 12-R-1078		
30. 12-R-1079		
31. 12-R-1082		
32. 12-R-1083		
33. 12-R-1084		
34. 12-R-1085		