

12-1282

(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 CASE OF JOHN WOOD V CITY OF ATLANTA, CIVIL ACTION FILE NO. 2011-EV-012453, FULTON COUNTY STATE COURT, IN THE TOTAL AMOUNT OF \$70,000.00; AUTHORIZING SAID PAYMENT TO BE PAID FROM 5051 (WATER & SEWER) CENTER NUMBER 170201 (DEPARTMENTAL), 5750002 (ACCOUNT) AND 4310000 (FUNCTIONAL ACTIVITY); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

APPROVED BY: 

Eric A. Richardson, Deputy City Attorney

ADOPTED BY

OCT 0 1 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:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee

Date

Chair

Action:

Other:

Members

Refer To

Committee

Date

Chair

Action:

Other:

Members

Refer To

Committee

Date

Chair

Action:

Other:

Fav, Adv, Hold (see rev. side)

Members

Refer To

FINAL COUNCIL ACTION

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

CERTIFIED
OCT 0 1 2012

ATLANTA CITY COUNCIL PRESIDENT



CERTIFIED
OCT 0 1 2012


MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

OCT 1 0 2012

WITHOUT SIGNATURE
BY OPERATION OF LAW



A RESOLUTION

12-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 JOHN WOOD V. CITY OF ATLANTA, CIVIL ACTION FILE NO. 2011-EV-012453, FULTON COUNTY STATE COURT, IN THE TOTAL AMOUNT OF \$70,000.00; AUTHORIZING SAID PAYMENT TO BE PAID FROM 5051 (WATER & SEWER) CENTER NUMBER 170201 (DEPARTMENTAL) 5750002 (ACCOUNT) AND 4310000 (FUNCTIONAL ACTIVITY); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, Plaintiff John Wood filed a lawsuit, *John Wood vs. City of Atlanta*, alleging that the City of Atlanta created a nuisance by failing to maintain adequate sanitary sewer systems;

WHEREAS, Plaintiff alleges that due to failure and inadequacies of the City of Atlanta's sanitary sewer systems, his property sustained damages resulting from sanitary sewer backups;

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 Plaintiff's claims is in excess of the settlement amount;

WHEREAS, Plaintiff John Wood has agreed to accept \$70,000.00 in full settlement of all claims against the City of Atlanta including interest and attorney's fees;

WHEREAS, the City Attorney considers it to be in the best interest of the City to pay Plaintiff the total amount of \$70,000.00 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 settlement documents in the case of *John Wood vs. City of Atlanta*, Fulton County State



Court, Civil Action File No. 2011-EV-012453, in the amount of Seventy Thousand Dollars (\$70,000.00).

SECTION 2 The Chief Financial Officer is authorized to pay the amount of Seventy Thousand Dollars (\$70,000.00) to John Wood. Said payment is to be charged, paid and issued from Fund 5051 (Water & Sewer Fund) Center Number 170201 (Departmental) 5750002 (Account) and 4310000 (Functional Activity); and made payable to *Martin & Jones, as attorneys for John Wood, 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,



Deputy Municipal Clerk

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

October 01, 2012
October 10, 2012

RCS# 2322
10/01/12
2:35 PM

Atlanta City Council

CONSENT I

ALL ITEMS EXCEPT 12-R-0997
OCTOBER 1, 2012
ADOPT AS AMNDED

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

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

CONSENT I

ITEMS ADOPTED ON CONSENT	ITEMS ADOPDED ON CONSENT	10-01-12 ITEMS ADVERSED ON CONSENT
1. 12-O-1056 2. 12-O-1129 3. 12-O-1179 4. 12-O-1180 5. 12-O-1181 6. 12-O-1167 7. 12-O-1168 8. 12-O-1169 9. 12-O-1170 10. 12-O-1171 11. 12-O-1172 12. 11-O-1195 13. 12-O-1321 14. 12-O-1038 15. 12-O-1199 16. 12-O-1243 17. 12-O-1315 18. 12-R-1163 19. 12-R-1253 20. 12-R-1265 21. 12-R-1266 22. 12-R-1268 23. 12-R-1278 24. 12-R-1279 25. 12-R-1280 26. 12-R-1282 27. 12-R-1191 28. 12-R-1274 29. 12-R-1275 30. 12-R-1310 31. 12-R-1323 32. 12-R-1101 33. 12-R-1270 34. 12-R-1272	35. 12-R-1283 36. 12-R-1284 37. 12-R-1285 38. 12-R-1286 39. 12-R-1287 40. 12-R-1288 41. 12-R-1289	42. 12-R-1290 43. 12-R-1291 44. 12-R-1292 45. 12-R-1293 46. 12-R-1294 47. 12-R-1295 48. 12-R-1296 49. 12-R-1297 50. 12-R-1298 51. 12-R-1299 52. 12-R-1300 53. 12-R-1301 54. 12-R-1302 55. 12-R-1303 56. 12-R-1304 57. 12-R-1305 58. 12-R-1306 59. 12-R-1307 60. 12-R-1308 61. 12-R-1309