

(Do Not Write Above This Line)

12-R-1444

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 MICHAEL MOERES V. CITY OF ATLANTA, GEORGIA, CIVIL ACTION FILE NO. 2010-CV-182964, FULTON COUNTY SUPERIOR COURT, IN THE TOTAL AMOUNT OF \$75,000.00; AUTHORIZING SAID PAYMENT TO BE PAID FROM FUND 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.

ADOPTED BY

NOV 0 5 2012

COUNCIL

Eric A. Richardson
Deputy City Attorney

[Signature]

- 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

Fav, Adv, Hold (see rev. side)

Other

Members

[Signature]

[Signature]

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

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

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

CERTIFIED
NOV 0 5 2012

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED
NOV 0 5 2012

Randy Bunch
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

NOV 1 4 2012

WITHOUT SIGNATURES
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 MICHAEL MOEBES V. CITY OF ATLANTA, GEORGIA, CIVIL ACTION FILE NO. 2010-CV-182964, FULTON COUNTY SUPERIOR COURT, IN THE TOTAL AMOUNT OF \$75,000.00; AUTHORIZING SAID PAYMENT TO BE PAID FROM FUND 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 Michael Moebes filed a lawsuit, *Michael Moebes vs. City of Atlanta*, alleging that the City of Atlanta created a nuisance by failing to maintain adequate storm water drainage and sanitary sewer infrastructure;

WHEREAS, Plaintiff alleges that due to failure and inadequacies of the City of Atlanta's storm water drainage and sanitary sewer infrastructure, his property sustained damages resulting from 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 Plaintiff's claims is in excess of the settlement amount;

WHEREAS, Plaintiff has agreed to accept \$75,000.00 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 Plaintiff the amount of \$75,000.00 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 *Michael Moebes vs. City of Atlanta*, Fulton County Superior Court, Civil Action File No. 2010-CV-182964, in the amount of Seventy-Five Thousand Dollars (\$75,000.00).

SECTION 2 The Chief Financial Officer is authorized to pay the amount of Seventy-Five Thousand Dollars (\$75,000.00) to Michael Moebes. 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 Michael Moebes*, 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

November 05, 2012
November 14, 2012

RCS# 2374
11/05/12
2:22 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I; ALL ITEMS
11/5/2012
ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 2

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

CONSENT I

		11-05-12
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSE ON CONSENT
1. 12-O-1414	35. 12-R-1501	48. 12-R-1456
2. 12-O-1258	36. 12-R-1502	49. 12-R-1457
3. 12-O-1339	37. 12-R-1445	50. 12-R-1458
4. 12-O-1335	38. 12-R-1446	51. 12-R-1459
5. 12-O-1336	39. 12-R-1447	52. 12-R-1460
6. 12-O-1369	40. 12-R-1448	53. 12-R-1461
7. 12-O-1370	41. 12-R-1449	54. 12-R-1462
8. 12-O-1356	42. 12-R-1450	55. 12-R-1463
9. 12-O-1413	43. 12-R-1451	56. 12-R-1464
10. 12-O-1418	44. 12-R-1452	57. 12-R-1465
11. 12-O-1421	45. 12-R-1453	58. 12-R-1466
12. 11-O-1415	46. 12-R-1454	59. 12-R-1467
13. 12-R-1424	47. 12-R-1455	60. 12-R-1468
14. 12-R-1527		61. 12-R-1469
15. 12-R-1139		62. 12-R-1470
16. 12-R-1423		63. 12-R-1471
17. 12-R-1441		64. 12-R-1472
18. 12-R-1442		65. 12-R-1473
19. 12-R-1443		66. 12-R-1474
20. 12-R-1444		67. 12-R-1475
21. 12-R-1512		68. 12-R-1476
22. 12-R-1514		69. 12-R-1477
23. 12-R-1524		70. 12-R-1478
24. 12-R-1417		71. 12-R-1479
25. 12-R-1517		72. 12-R-1480
26. 12-R-1518		73. 12-R-1481
27. 12-R-1519		74. 12-R-1482
28. 12-R-1520		75. 12-R-1483
29. 12-R-1521		76. 12-R-1484
30. 12-R-1522		77. 12-R-1485
31. 12-R-1530		78. 12-R-1486
32. 12-R-1422		79. 12-R-1487
33. 12-R-1499		80. 12-R-1488
34. 12-R-1500		81. 12-R-1489
		82. 12-R-1490
		83. 12-R-1491
		84. 12-R-1492
		85. 12-R-1493
		86. 12-R-1494