

12-1683

(Do Not Write Above This Line)

A RESOLUTION BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF \$30,000 IN SETTLEMENT OF ALL CLAIMS OF ALFRED BOYAJIAN AND MARGARET A. STALEY AGAINST THE CITY OF ATLANTA RELATED TO THAT CERTAIN PROPERTY HAVING AN ADDRESS OF 3720 PACES VALLEY RD, NW, ATLANTA, GEORGIA; AND FOR OTHER PURPOSES.

Approved by

[Signature]
Deputy City Attorney

ADOPTED BY
DEC 03 2012
COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred _____

Referred To: _____

First Reading

Committee _____

Date _____

Chair _____

Referred to _____

PSLA
Committee

11/23/12
Date

Chair

[Signature]

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

FINAL COUNCIL ACTION

- 2nd
- 1st & 2nd
- 3rd
- Readings
- Consent
- V Vote
- RC Vote

CERTIFIED

CERTIFIED
DEC 03 2012

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED
DEC 03 2012

[Signature]
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

DEC 12 2012

WITHOUT SIGNATURE
BY OPERATION OF LAW



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

12- R-1683

A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF \$30,000 IN SETTLEMENT OF ALL CLAIMS OF ALFRED BOYAJIAN AND MARGARET A. STALEY AGAINST THE CITY OF ATLANTA RELATED TO THAT CERTAIN PROPERTY HAVING AN ADDRESS OF 3720 PACES VALLEY RD, NW, ATLANTA, GEORGIA; AND FOR OTHER PURPOSES.

WHEREAS, Alfred Boyajian and Margaret A. Staley (“Owner”) own certain property, having an address of 3720 Paces Valley Rd, NW, Atlanta, Georgia and a Fulton County Tax identification number of 17-015-90001028 (“Property”);

WHEREAS, the Owner asserted certain claims against the City for property damage and loss of use of the Property due to the failure of a portion of the stream bank after a significant rain event; and the Owner subsequently amended those claims to include allegations of property damage and loss of use of the Property related to certain alleged sewer backups and construction activities during certain sewer repairs on the Property occurring over a period of time including and subsequent to September 17, 2004 (“Claims”); and

WHEREAS, the Property Owner previously agreed to settle all claims against the City in an amount of \$65,000 and to provide the City needed access to the Property to make repairs to the City’s sanitary sewer lines located on the Property (“Work”); and

WHEREAS, the City of Atlanta (“City”) and the Property Owner entered into a Settlement Agreement which included the Property owner providing all access and easements necessary to complete the Work in accordance with an agreed upon construction and restoration plan, pursuant to Resolution 12-R-0317; and

WHEREAS, while conducting the agreed upon Work on the Property, it became necessary for the City to change the agreed upon construction and restoration plan and remove ten (10) additional trees from the Property (“Tree Claim”); and

WHEREAS, the Property Owner has agreed to settle all claims against the City for the unauthorized removal of the additional trees in an amount of \$30,000 and to provide the City needed access to the Property to make repairs to the City’s sanitary sewer lines located on the Property.

NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA that \$30,000 be paid to Alfred Boyajian and Margaret A. Staley in satisfaction of all claims against the City of Atlanta related to the Tree Claim up to and through the effective date of a settlement agreement, which shall include the Owner providing all access and easements necessary



to complete the sewer repairs planned for the Property in accordance with an agreed upon construction and restoration plan; and

BE IT FURTHER RESOLVED that the City Attorney is authorized to prepare and execute on behalf of the City an appropriate settlement and release agreement and all other documents necessary and appropriate to settle the Tree Claim; and

BE IT FINALLY RESOLVED that the Chief Financial Officer shall issue payment, referenced above, from Fund Department Organization and Account Number Fund Account Organization and Account 5051 (Water and Wastewater Revenue Fund) 170201 (DWM Wastewater Treatment & Collections) 5750002 (Property/Liquidation) 4310000 (Sanitary Administration).

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk

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

DEC 03, 2012
DEC 12, 2012

RCS# 2447
12/03/12
2:58 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I; ALL ITEMS
EXCEPT 12-R-1647
ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

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

CONSENT I

		12-03-12
ITEMS ADOPTED ON CONSENT	ITEMS ADOPDED ON CONSENT	ITEMS ADOPTED ON CONSENT
1. 12-O-1252	35. 12-R-1669	69. 12-R-1692
2. 12-O-1550	36. 12-R-1737	70. 12-R-1693
3. 12-O-1551	37. 12-R-1742	71. 12-R-1694
4. 12-O-1552	38. 12-R-1753	72. 12-R-1695
5. 12-O-1553	39. 12-R-1754	73. 12-R-1696
6. 12-O-1728	40. 12-R-1641	74. 12-R-1697
7. 12-O-1738	41. 12-R-1642	75. 12-R-1698
8. 12-O-1545	42. 12-R-1643	76. 12-R-1699
9. 12-O-1546	43. 12-R-1644	77. 12-R-1700
10. 12-O-1425	44. 12-R-1645	ITEMS ADVERSED ON CONSENT
11. 12-O-1426	45. 12-R-1648	78. 12-R-1701
12. 12-O-1427	46. 12-R-1649	79. 12-R-1702
13. 12-O-1429	47. 12-R-1650	80. 12-R-1703
14. 12-O-1430	48. 12-R-1651	81. 12-R-1704
15. 12-O-1569	49. 12-R-1727	82. 12-R-1705
16. 12-O-1725	50. 12-R-1729	83. 12-R-1706
17. 12-R-1675	51. 12-R-1731	84. 12-R-1707
18. 12-R-1677	52. 12-R-1732	85. 12-R-1708
19. 12-R-1678	53. 12-R-1745	86. 12-R-1709
20. 12-R-1679	54. 12-R-1652	87. 12-R-1710
21. 12-R-1565	55. 12-R-1663	88. 12-R-1711
22. 12-R-1654	56. 12-R-1722	89. 12-R-1712
23. 12-R-1655	57. 12-R-1752	90. 12-R-1713
24. 12-R-1656	58. 12-R-1681	91. 12-R-1714
25. 12-R-1657	59. 12-R-1682	92. 12-R-1715
26. 12-R-1658	60. 12-R-1683	93. 12-R-1716
27. 12-R-1659	61. 12-R-1684	94. 12-R-1717
28. 12-R-1660	62. 12-R-1685	95. 12-R-1718
29. 12-R-1661	63. 12-R-1686	96. 12-R-1719
30. 12-R-1662	64. 12-R-1687	
31. 12-R-1664	65. 12-R-1688	
32. 12-R-1665	66. 12-R-1689	
33. 12-R-1666	67. 12-R-1690	
34. 12-R-1667	68. 12-R-1691	