

13-R-0101

(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 CASE OF
DENETHIA MCCALL V CITY OF ATLANTA, ET
AL, CIVIL ACTION FILE NO. 2011-CV-201810,
FULTON COUNTY SUPERIOR COURT, IN THE
TOTAL AMOUNT OF \$90,000.00; AUTHORIZING
SAID PAYMENT TO BE PAID FROM
5051(WATER & WASTEWATER REVENUE
FUND) 170201 (DWM WASTEWATER
TREATMENT) 5750602 (PROPERTY
LIQUIDATION) AND 4310000 (SANITARY
ADMINISTRATION); AUTHORIZING THE
CHIEF FINANCIAL OFFICER TO DISTRIBUTE
THE SETTLEMENT AMOUNT; AND FOR
OTHER PURPOSES.

ADOPTED BY

JAN 2 2 2013

APPROVED BY:

Eric A. Richardson, Deputy City Attorney @ 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 _____

PSLA
Committee

1/15/13
Date

[Signature]
Chair

Fav, Adv, Hold (see rev. side)
Action:
Other:

Members
[Signature]

[Signature]
Refer To

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)
Other:

Members

Refer To

Refer To

FINAL COUNCIL ACTION

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

CERTIFIED
JAN 2 2 2013
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
JAN 2 2 2013
Randy Douglas
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JAN 3 1 2013

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 CASE OF DENETHIA MCCALL V. CITY OF ATLANTA, ET AL., CIVIL ACTION FILE NO. 2011-CV-201810, FULTON COUNTY SUPERIOR COURT, IN THE TOTAL AMOUNT OF \$90,000.00; AUTHORIZING SAID PAYMENT TO BE PAID FROM 5051 (WATER & WASTEWATER REVENUE FUND) 170201 (DWM WASTEWATER TREATMENT) 5750002 (PROPERTY LIQUIDATION) AND 4310000 (SANITARY ADMINISTRATION); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, Plaintiff Denethia McCall filed a lawsuit, *Denethia McCall vs. City of Atlanta, et al.*, alleging that the City of Atlanta was negligent and created a nuisance by failing to properly maintain its manholes;

WHEREAS, Plaintiff alleges that due to City of Atlanta's failure to properly maintain its manholes, she sustained bodily injuries;

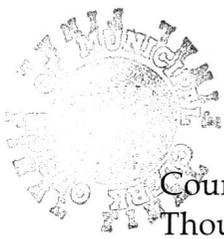
WHEREAS, the City Attorney has done extensive review of the facts and the law and has determined that the City of Atlanta's potential financial exposure in defending Plaintiff's claims is in excess of the settlement amount;

WHEREAS, Plaintiff Denethia McCall has agreed to accept \$90,000.00 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 \$90,000.00 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 *Denethia McCall vs. City of Atlanta, et al.*, Fulton



County Superior Court, Civil Action File No. 2011-CV-201810, in the amount of Ninety Thousand Dollars (\$90,000.00).

SECTION 2 The Chief Financial Officer is authorized to pay the amount of Ninety Thousand Dollars (\$90,000.00) to *Denethia McCall*. Said payment is to be charged, paid and issued from Fund 5051 (Water & Wastewater Revenue Fund) 170201 (DWM Wastewater Treatment) 5750002 (Property Liquidation) and 4310000 (Sanitary Administration); and made payable to *The Christopher Law Firm, as attorneys for Denethia McCall*, 121 Church Street, Decatur, GA 30030. 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

January 22, 2013
January 31, 2013

RCS# 2508
1/22/13
2:35 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I; ALL ITEMS
EXCEPT 12-O-1820
ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y Smith	B Archibong	Y Moore	Y Bond
Y 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 ADOPTED ON CONSENT	01-22-13 ITEMS ADVERSED ON CONSENT
1. 12-O-0774 2. 12-O-1744 3. 12-O-1763 4. 12-O-1764 5. 12-O-1776 6. 13-O-0104 7. 13-R-0004 8. 13-R-0005 9. 13-R-0107 10. 13-R-0035 11. 13-R-0036 12. 13-R-0101 13. 13-R-0006 14. 13-R-0008 15. 13-R-0009 16. 13-R-0010 17. 13-R-0012 18. 13-R-0014 19. 13-R-0017 20. 13-R-0018 21. 13-R-0019 22. 13-R-0033 23. 13-R-0031 24. 13-R-0105 25. 13-R-0106 26. 13-R-0037 27. 13-R-0038 28. 13-R-0039 29. 13-R-0040 30. 13-R-0041 31. 13-R-0042 32. 13-R-0043 33. 13-R-0044 34. 13-R-0045	35. 13-R-0046 36. 13-R-0047 ITEMS ADVERSED ON CONSENT 37. 13-R-0048 38. 13-R-0049 39. 13-R-0050 40. 13-R-0051 41. 13-R-0052 42. 13-R-0053 43. 13-R-0054 44. 13-R-0055 45. 13-R-0056 46. 13-R-0057 47. 13-R-0058 48. 13-R-0059 49. 13-R-0060 50. 13-R-0061 51. 13-R-0062 52. 13-R-0063 53. 13-R-0064 54. 13-R-0065 55. 13-R-0066 56. 13-R-0067 57. 13-R-0068 58. 13-R-0069 59. 13-R-0070 60. 13-R-0071 61. 13-R-0072 62. 13-R-0073 63. 13-R-0074 64. 12-R-0075 65. 13-R-0076 66. 13-R-0077 67. 13-R-0078 68. 13-R-0079	69. 13-R-0080 70. 13-R-0081 71. 13-R-0082 72. 13-R-0083 73. 13-R-0084 74. 13-R-0085 75. 13-R-0086 76. 13-R-0087 77. 13-R-0088 78. 13-R-0089 79. 13-R-0090 80. 13-R-0091 81. 13-R-0092 82. 13-R-0093 83. 13-R-0094 84. 13-R-0095 85. 13-R-0096