

13- R -0542

(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 MARY J. BROWNLEE, ET AL V. CITY OF ATLANTA., ET AL, CIVIL ACTION FILE NO. 2008-EV-006153, FULTON COUNTY STATE COURT, IN THE TOTAL AMOUNT OF \$76,666.00; AUTHORIZING SAID PAYMENT TO BE PAID FROM 5051 (WATER AND 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.

Approved By: Eric A. Richardson, Deputy City Attorney

- 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: PSLA, Date: 3/26/13, Chair: [Signature], Action: Fav, Adv, Hold, Other: [Signature], Members: [Signatures], Refer To: [Signature]

Committee, Date, Chair, Action: Fav, Adv, Hold, Other, Members, Refer To

Committee, Date, Chair, Action: Fav, Adv, Hold, Other: ADOPTED BY Members APR 15 2013 COUNCIL, Refer To

Committee, Date, Chair, Action: Fav, Adv, Hold, Other, Members, Refer To

FINAL COUNCIL ACTION

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

CERTIFIED APR 15 2013 ATLANTA CITY COUNCIL PRESIDENT [Signature]

CERTIFIED APR 15 2013 Rhonda Oughlin Johnson, MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

APR 24 2013

WITHOUT SIGNATURE BY OPERATION OF LAW



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COMMITTEE**

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WHEREAS, Plaintiffs Mary J. Brownlee, Alex King and Blair King, filed a lawsuit, *Mary J. Brownlee, Alex King and Blair King vs. City of Atlanta, Insituform Technologies, Inc. and Environmental Pipeline Rehabilitation, Inc.*, alleging that the parties caused a sanitary sewer backup into their homes;

WHEREAS, Plaintiffs allege that due to failure and inadequacies of the City of Atlanta's sanitary sewer systems, their properties sustained damages resulting from a sanitary sewer backup;

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 Plaintiffs' claims is in excess of the settlement amount;

WHEREAS, Plaintiffs Mary J. Brownlee, Alex King and Blair King have agreed to accept \$76,666.00 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 Plaintiffs the total amount of \$76,666.00 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 *Mary J. Brownlee, et al. vs. City of Atlanta, et al.*, Fulton County State Court, Civil Action File No. 2008-EV-006153, in the amount of Seventy-Six Thousand Six Hundred Sixty-Six Dollars (\$76,666.00).

SECTION 2 The Chief Financial Officer is authorized to pay the amount of Seventy-Six Thousand Six Hundred Sixty-Six Dollars (\$76,666.00) to Mary J. Brownlee, Alex King and Blair King. 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 *Martin & Jones, as attorneys for Mary J. Brownlee, Alex King and Blair King, 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.

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

Deputy Municipal Clerk

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

April 15, 2013
April 24, 2013

RCS# 2642
4/15/13
3:19 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA:SECTION I:ALL ITEMS
MONDAY, APRIL 15, 2013
ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 1
ABSENT 1

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

CONSENT I

+

		03-18-13
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 13-O-0455	35. 13-R-0545	67. 13-R-0577
2. 13-O-0440	36. 13-R-0546	68. 13-R-0578
3. 13-O-0442	37. 13-R-0547	69. 13-R-0579
4. 13-O-0454	38. 13-R-0548	70. 13-R-0580
5. 13-O-0605	39. 13-R-0549	71. 13-R-0581
6. 13-O-0611	40. 13-R-0550	72. 13-R-0582
7. 13-O-0288	41. 13-R-0551	73. 13-R-0583
8. 13-O-0428	42. 13-R-0552	74. 13-R-0584
9. 13-O-0429	43. 13-R-0553	75. 13-R-0585
10. 13-O-0432	44. 13-R-0554	76. 13-R-0586
11. 13-O-0606	45. 13-R-0555	77. 13-R-0587
12. 13-R-0593	46. 13-R-0556	78. 13-R-0588
13. 13-R-0594	47. 13-R-0557	79. 13-R-0589
14. 13-R-0595	48. 13-R-0558	80. 13-R-0590
15. 13-R-0596	ITEMS ADVERSED ON CONSENT	81. 13-R-0591
16. 13-R-0597	49. 13-R-0559	
17. 13-R-0598	50. 13-R-0560	
18. 13-R-0600	51. 13-R-0561	
19. 13-R-0601	52. 13-R-0562	
20. 13-R-0602	53. 13-R-0563	
21. 13-R-0620	54. 13-R-0564	
22. 13-R-0501	55. 13-R-0565	
23. 13-R-0539	56. 13-R-0566	
24. 13-R-0540	57. 13-R-0567	
25. 13-R-0603	58. 13-R-0568	
26. 13-R-0430	59. 13-R-0569	
27. 13-R-0437	60. 13-R-0570	
28. 13-R-0439	61. 13-R-0571	
29. 13-R-0541	62. 13-R-0572	
30. 13-R-0608	63. 13-R-0573	
31. 13-R-0609	64. 13-R-0574	
32. 13-R-0542	65. 13-R-0575	
33. 13-R-0543	66. 13-R-0576	
34. 13-R-0544		