

13-12-3103

(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 BEVERLY ELLIS, ET AL V CITY OF ATLANTA, CIVIL ACTION FILE NO. 2010-CV-186947, FULTON COUNTY SUPERIOR COURT, IN THE TOTAL AMOUNT OF \$300,000.00; AUTHORIZING \$200,000.00 TO BE PAID FROM 5051 (WATER & WASTEWATER REVENUE FUND) 170201 (DWM) WASTEWATER TREATMENT) 5750002 (PROPERTY LIQUIDATION) AND 4310000 (SANITARY ADMINISTRATION); \$100,000.00 FROM FUND 1001 (GENERAL FUND) CENTER NUMBER 200101 (NON DEPARTMENTAL) ACCOUNT 5212005 (LITIGATION EXPENSES) AND 1512000 (ACCOUNTING); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE TOTAL SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

Approved By: *ERA*  
Eric A. Richardson, Deputy City Attorney

ADOPTED BY

MAY 06 2013

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

Date Referred \_\_\_\_\_

Referred To: \_\_\_\_\_

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Referred to \_\_\_\_\_

First Reading

PSA  
Committee

4/30/13

Chair *[Signature]*

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

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Members

Refer To

FINAL COUNCIL ACTION

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

CERTIFIED  
MAY 06 2013

ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED  
MAY 06 2013

*[Signature]*  
FINANCIAL CLERK

MAYOR'S ACTION  
APPROVED

MAY 15 2013

WITHOUT SIGNATURE  
BY OPERATION OF LAW

2021



**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 BEVERLY ELLIS, ET AL. V. CITY OF ATLANTA, CIVIL ACTION FILE NO. 2010-CV-186947, FULTON COUNTY SUPERIOR COURT, IN THE TOTAL AMOUNT OF \$300,000.00; AUTHORIZING \$200,000.00 TO BE PAID FROM 5051 (WATER & WASTEWATER REVENUE FUND) 170201 (DWM WASTEWATER TREATMENT) 5750002 (PROPERTY LIQUIDATION) AND 4310000 (SANITARY ADMINISTRATION); \$100,000.00 FROM FUND 1001 (GENERAL FUND) CENTER NUMBER 200101 (NON DEPARTMENTAL) ACCOUNT 5212005 (LITIGATION EXPENSES) AND 1512000 (ACCOUNTING); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE TOTAL SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.**

**WHEREAS**, Plaintiffs Beverly Ellis, James Ellis, Jannett Roberts and David Wofford filed a lawsuit, *Beverly Ellis, James Ellis, Jannett Roberts and David Wofford vs. City of Atlanta*, alleging that the parties' properties were damaged as result of storm water flooding and sanitary sewer backups into their homes;

**WHEREAS**, Plaintiffs allege that due to failure and inadequacies of the City of Atlanta's storm water drainage and sanitary sewer systems, their properties sustained damages resulting from storm water flooding and 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 Plaintiffs' claims is in excess of the settlement amount;

**WHEREAS**, Plaintiffs Beverly Ellis, James Ellis, Jannett Roberts and David Wofford, have agreed to accept \$300,000.00 in full settlement of all claims against the City of Atlanta including interest and attorney's fees;



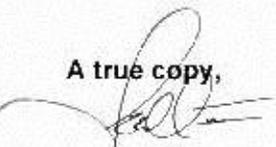
**WHEREAS**, the City Attorney considers it to be in the best interest of the City to pay Plaintiffs the total amount of \$300,000.00 to settle all claims against the City of Atlanta.

**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 *Beverly Ellis, et al. vs. City of Atlanta*, Fulton County Superior Court, Civil Action File No. 2010-CV-186947, in the amount of Three Hundred Thousand Dollars (\$300,000.00).

**SECTION 2** The Chief Financial Officer is authorized to pay the amount of Three Hundred Thousand Dollars (\$300,000.00) to Beverly Ellis, James Ellis, Jannett Roberts and David Wofford. Said payment is to be charged, paid and issued as follows: \$200,000.00 from Fund 5051 (Water & Wastewater Revenue Fund) 170201 (DWM Wastewater Treatment) 5750002 (Property Liquidation) and 4310000 (Sanitary Administration); \$100,000.00 from Fund 1001 (General Fund) Center Number 200101 (Non Departmental) Account 5212005 (Litigation Expenses) and 1512000 (Accounting); and made payable to *Martin & Jones, as attorneys for Beverly Ellis, James Ellis, Jannett Roberts and David Wofford*, 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 Clerk

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

MAY 06, 2013  
MAY 15, 2013

RCS# 2666  
5/06/13  
3:23 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I; ALL ITEMS  
EXCEPT 13-O-0638  
ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

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

CONSENT I

+

|                             |                                      | 05-06-13                     |
|-----------------------------|--------------------------------------|------------------------------|
| ITEMS ADOPTED ON<br>CONSENT | ITEMS ADOPTED ON<br>CONSENT          | ITEMS ADVERSED<br>ON CONSENT |
| 1. 13-O-0599                | 40. 13-R-3103                        | 77. 13-R-3043                |
| 2. 13-O-0629                | 41. 13-R-3104                        | 78. 13-R-3044                |
| 3. 13-O-0643                | 42. 13-R-3085                        | 79. 13-R-3045                |
| 4. 13-O-0119                | 43. 13-R-3086                        | 80. 13-R-3046                |
| 5. 13-O-0632                | 44. 13-R-3087                        | 81. 13-R-3047                |
| 6. 13-O-0639                | 45. 13-R-3088                        | 82. 13-R-3048                |
| 7. 13-O-0638                | 46. 13-R-3089                        | 83. 13-R-3049                |
| 8. 13-O-0640                | 47. 13-R-3090                        | 84. 13-R-3050                |
| 9. 13-O-0648                | 48. 13-R-3014                        | 85. 13-R-3051                |
| 10. 13-O-0592               | 49. 13-R-3015                        | 86. 13-R-3052                |
| 11. 13-O-0628               | 50. 13-R-3016                        | 87. 13-R-3053                |
| 12. 13-O-0630               | 51. 13-R-3017                        | 88. 13-R-3054                |
| 13. 13-R-3091               | 52. 13-R-3018                        | 89. 13-R-3055                |
| 14. 13-R-3092               | 53. 13-R-3019                        | 90. 13-R-3056                |
| 15. 13-R-3094               | 54. 13-R-3020                        | 91. 13-R-3057                |
| 16. 13-R-3095               | 55. 13-R-3021                        | 92. 13-R-3058                |
| 17. 13-R-3096               | 56. 13-R-3022                        | 93. 13-R-3059                |
| 18. 13-R-3097               | 57. 13-R-3023                        | 94. 13-R-3060                |
| 19. 13-R-3093               | 58. 13-R-3024                        | 95. 13-R-3061                |
| 20. 13-R-3098               | 59. 13-R-3025                        | 96. 13-R-3062                |
| 21. 13-R-3100               | 60. 13-R-3026                        | 97. 13-R-3063                |
| 22. 13-R-3101               | 61. 13-R-3027                        | 98. 13-R-3064                |
| 23. 13-R-3106               | 62. 13-R-3028                        | 99. 13-R-3065                |
| 24. 13-R-3003               | 63. 13-R-3029                        | 100. 13-R-3066               |
| 25. 13-R-3004               | 64. 13-R-3030                        | 101. 13-R-3067               |
| 26. 13-R-3005               | 65. 13-R-3031                        | 102. 13-R-3068               |
| 27. 13-R-3006               | 66. 13-R-3032                        | 103. 13-R-3069               |
| 28. 13-R-3007               | 67. 13-R-3033                        | 104. 13-R-3070               |
| 29. 13-R-3008               | <b>ITEMS ADVERSED ON<br/>CONSENT</b> | 105. 13-R-3071               |
| 30. 13-R-3009               | 68. 13-R-3034                        | 106. 13-R-3072               |
| 31. 13-R-3010               | 69. 13-R-3035                        | 107. 13-R-3073               |
| 32. 13-R-3011               | 70. 13-R-3036                        | 108. 13-R-3074               |
| 33. 13-R-3013               | 71. 13-R-3037                        | 109. 13-R-3075               |
| 34. 13-R-3000               | 72. 13-R-3038                        | 110. 13-R-3076               |
| 35. 13-R-3001               | 73. 13-R-3039                        | 111. 13-R-3077               |
| 36. 13-R-3002               | 74. 13-R-3040                        | 112. 13-R-3078               |
| 37. 13-R-3083               | 75. 13-R-3041                        | 113. 13-R-3079               |
| 38. 13-R-3084               | 76. 13-R-3042                        | 114. 13-R-3080               |
| 39. 13-R-3102               |                                      | 115. 13-R-3081               |
|                             |                                      | 116. 13-R-3082               |