

13- R -3380

(Do Not Write Above This Line) # 2549

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 E. A. GIBBONS CONSULTING, LLC V CITY OF ATLANTA CIVIL ACTION FILE NO. 2012-CV-214175, FULTON COUNTY SUPERIOR COURT, IN THE AMOUNT OF \$65,000.00; 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 TOTAL SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

APPROVED BY:

Eric A. Richardson, Deputy City Attorney

ADOPTED BY

AUG 19 2013

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

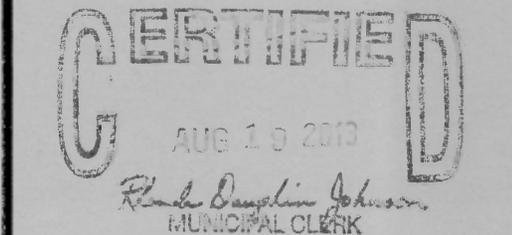
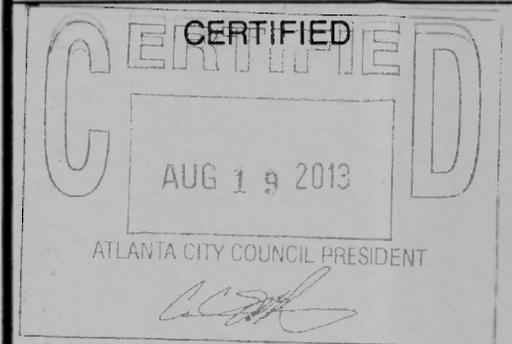
Committee _____
 Date _____
 Chair _____
 Referred to _____

Committee <u>PSLA</u>	Committee
Date <u>7/30/13</u>	Date
Chair <u>[Signature]</u>	Chair
Action <u>Fav, Adv, Hold (see rev. side)</u>	Action: Fav, Adv, Hold (see rev. side)
Other:	Other:
Members <u>[Signature]</u>	Members
Refer To <u>[Signature]</u>	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other:	Other:
Members	Members
Refer To	Refer To

FINAL COUNCIL ACTION

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

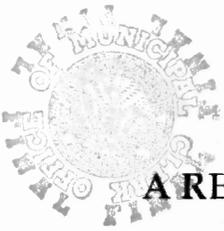


MAYOR'S ACTION

APPROVED

AUG 28

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 E. A. GIBBONS CONSULTING, LLC V. CITY OF ATLANTA, CIVIL ACTION FILE NO. 2012-CV-214175, FULTON COUNTY SUPERIOR COURT, IN THE AMOUNT OF \$65,000.00; AUTHORIZING SAID AMOUNT 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 TOTAL SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

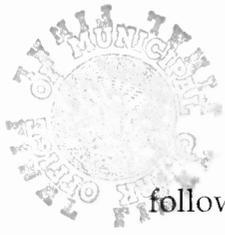
WHEREAS, Plaintiff E. A. Gibbons Consulting, LLC filed a lawsuit, *E. A. Gibbons Consulting, LLC vs. City of Atlanta*, alleging that its property was damaged as result of a sanitary sewer backup into the property;

WHEREAS, Plaintiff alleges that due to failure and inadequacies of the City of Atlanta's sanitary sewer system, its property 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 Plaintiff's claims is in excess of the settlement amount;

WHEREAS, Plaintiff E. A. Gibbons Consulting, LLC, has agreed to accept \$65,000.00 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 \$65,000.00 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 *E. A. Gibbons Consulting, LLC vs. City of Atlanta*, Fulton County Superior Court, Civil Action File No. 2012-CV-214175, in the amount of Sixty-Five Thousand Dollars (\$65,000.00).

SECTION 2 The Chief Financial Officer is authorized to pay the amount of Sixty-Five Thousand Dollars (\$65,000.00) to E. A. Gibbons Consulting, LLC. 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 E. A. Gibbons Consulting, LLC*, 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,

Rhonda Daughin Johnson
Municipal Clerk

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

AUG 19, 2013
AUG 28, 2013

RCS# 2926
8/19/13
3:25 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I; ALL ITEMS
EXCEPT 13-R-3404, 13-R-3406 & ~~13~~-O-1734
ADOPT *12 COP*

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

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

CONSENT I

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		08-19-13
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	
1. 13-O-0441	37. 13-R-3387	
2. 13-O-1054	38. 13-R-3388	
3. 13-O-1177	39. 13-R-3389	
4. 13-O-1178	40. 13-R-3390	
5. 13-O-1179	41. 13-R-3391	
6. 13-O-1180	42. 13-R-3392	
7. 13-O-1181	43. 13-R-3393	
8. 13-O-1182	44. 13-R-3394	
9. 13-O-1191	45. 13-R-3395	
10. 13-O-1150	46. 13-R-3396	
11. 13-O-1151	47. 13-R-3397	
12. 13-O-1152	48. 13-R-3398	
13. 12-O-1613	49. 13-R-3399	
14. 13-O-0433	50. 13-R-3400	
15. 13-O-1187	51. 13-R-3401	
16. 13-O-1056	52. 13-R-3402	
17. 13-O-1058	53. 13-R-3403	
18. 13-O-1176		
19. 13-O-1192		
20. 12-R-1146		
21. 13-R-3407		
22. 13-R-3408		
23. 13-R-3319		
24. 13-R-3321		
25. 13-R-3405		
26. 13-R-3376		
27. 13-R-3377		
28. 13-R-3382		
29. 13-R-3383		
30. 13-R-3378		
31. 13-R-3379		
32. 13-R-3380		
33. 13-R-3381		
34. 13-R-3384		
35. 13-R-3385		
36. 13-R-3386		