

13- R -3642

(Do Not Write Above This Line) # 2968

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 VERTICAL PROPERTIES DEVELOPMENT, LLC, ET AL. V. THE CITY OF ATLANTA, CIVIL ACTION FILE NO. 2013-CV-232534, FULTON COUNTY SUPERIOR COURT, IN THE AMOUNT OF \$200,000.00; 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.

Approve By: Kimberly Patrick, 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

PSLA Committee
Date 10/15/13
Chair
Action: Fav, Adv, Hold (see rev. side)
Other:
Members
Refer To

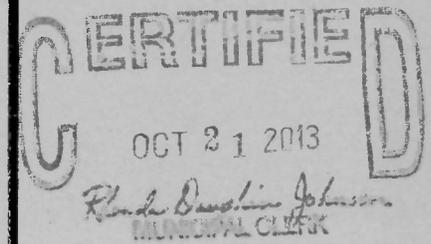
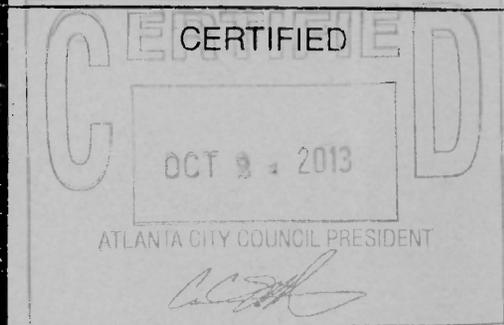
Committee
Date
Chair
Action: Fav, Adv, Hold (see rev. side)
Other:
Members
Refer To

Committee
Date
Chair
Action: Fav, Adv, Hold (see rev. side)
Other:
Members
ADOPTED BY
OCT 21 2013
COUNCIL
Refer To

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

FINAL COUNCIL ACTION

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



MAYOR'S ACTION

APPROVED

OCT 30 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 VERTICAL PROPERTIES DEVELOPMENT, LLC, ET AL. V. THE CITY OF ATLANTA, CIVIL ACTION FILE NO. 2013-CV-232534, FULTON COUNTY SUPERIOR COURT, IN THE AMOUNT OF \$200,000.00; 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**, Plaintiffs Vertical Properties Development, LLC, Rainey Apparel Manufacturing, Inc. d/b/a Rainey Compression Essentials and Russell Rainey, filed a lawsuit, *Vertical Properties Development, LLC; Rainey Apparel Manufacturing, Inc. d/b/a Rainey Compression Essentials, and Russell Rainey vs. The City of Atlanta*, alleging that their property was damaged as result of sanitary sewer backups into the property;

**WHEREAS**, Plaintiffs allege that due to failure and inadequacies of the City of Atlanta's sanitary sewer system, their property sustained damages resulting from 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 Vertical Properties Development, LLC, Rainey Apparel Manufacturing, Inc. d/b/a Rainey Compression Essentials and Russell Rainey, have agreed to accept \$200,000.00 in full settlement of all claims against the City of Atlanta including interest and attorney's fees;



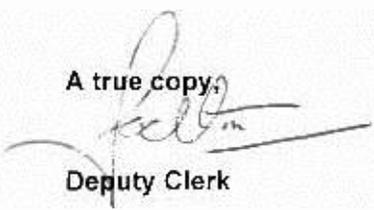
**WHEREAS**, the City Attorney considers it to be in the best interest of the City to pay Plaintiffs the total amount of \$200,000.00 to settle all claims against the City of Atlanta.

**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 *Vertical Properties Development, LLC; Rainey Apparel Manufacturing, Inc. d/b/a Rainey Compression Essentials, and Russell Rainey vs. The City of Atlanta*, Fulton County Superior Court, Civil Action File No. 2013-CV-232534, in the amount of Two Hundred Thousand Dollars (\$200,000.00).

**SECTION 2** The Chief Financial Officer is authorized to pay the amount of Two Hundred Thousand Dollars (\$200,000.00) to Vertical Properties Development, LLC, Rainey Apparel Manufacturing, Inc. d/b/a Rainey Compression Essentials and Russell Rainey. 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 Johnson Insurance Law Group, LLC, as attorneys for Vertical Properties Development, LLC; Rainey Apparel Manufacturing, Inc. d/b/a Rainey Compression Essentials, and Russell Rainey*, 1629 Monroe Drive, Atlanta, Georgia 30324. 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

OCT 21, 2013  
OCT 30, 2013

RCS# 3077  
10/21/13  
2:24 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I; ALL ITEMS  
EXCEPT 13-O-1290 AND 13-O-1302  
ADOPT

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 2

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

CONSENT I

+

		10-21-13
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	
1. 13-O-1313	33. 13-R-3647	
2. 13-O-1195	34. 13-R-3648	
3. 13-O-1291	35. 13-R-3649	
4. 13-O-1294	36. 13-R-3650	
5. 13-O-1296	37. 13-R-3651	
6. 13-O-1300	38. 13-R-3652	
7. 13-O-1303	39. 13-R-3653	
8. 13-O-1307	40. 13-R-3654	
9. 13-O-1308	41. 13-R-3655	
10. 13-O-1312	42. 13-R-3656	
11. 13-O-1314	43. 13-R-3657	
12. 13-R-3633	44. 13-R-3658	
13. 13-R-3637	45. 13-R-3659	
14. 13-R-3638	46. 13-R-3660	
15. 13-R-3664	47. 13-R-3661	
16. 13-R-3665		
17. 13-R-3666		
18. 13-R-3548		
19. 13-R-3667		
20. 13-R-3668		
21. 13-R-3642		
22. 13-R-3634		
23. 13-R-3662		
24. 13-R-3663		
25. 13-R-3639		
26. 13-R-3640		
27. 13-R-3641		
28. 13-R-3670		
29. 13-R-3643		
30. 13-R-3644		
31. 13-R-3645		
32. 13-R-3646		