

13-R-3742

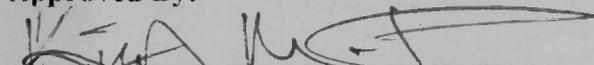
(Do Not Write Above This Line) # 338

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 MISEAL REYES V CITY OF ATLANTA CIVIL ACTION FILE NO. 2008-EV-005955B, FULTON COUNTY STATE COURT, IN THE AMOUNT OF \$35,000.00; AUTHORIZING SAID AMOUNT TO BE PAID FROM FUND 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 TOTAL SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

Approved 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

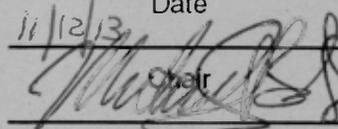
Referred To:

First Reading

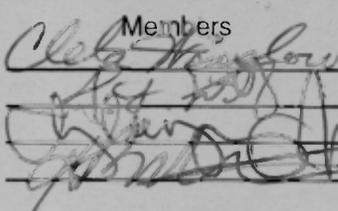
Committee _____
Date _____
Chair _____
Referred to _____

Committee PSLA

Date 11/12/13

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:

ADOPTED BY
Members
NOV 18 2013
COUNCIL

Refer To _____

Committee _____

Date _____

Chair _____

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

Members _____

Refer To _____

FINAL COUNCIL ACTION

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

CERTIFIED

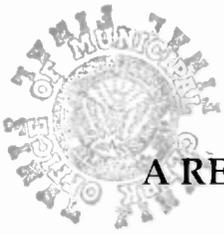
CERTIFIED
NOV 18 2013

COUNCIL PRESIDENT PROTEM

CERTIFIED
NOV 18 2013
Rhonda Dushin Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
NOV 27 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 MISEAL REYES V. CITY OF ATLANTA, CIVIL ACTION FILE NO. 2008-EV-005955B, FULTON COUNTY STATE COURT, IN THE AMOUNT OF \$35,000.00; 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 Misael Reyes filed a lawsuit, *Misael Reyes vs. City of Atlanta*, alleging that his 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, his 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 Misael Reyes has agreed to accept \$35,000.00 in full settlement of all claims against the City of Atlanta including interest and attorney's fees;

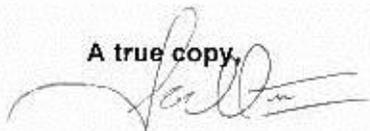
WHEREAS, the City Attorney considers it to be in the best interest of the City to pay Plaintiff the total amount of \$35,000.00 to settle all claims against the City of Atlanta.

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 *Miseal Reyes vs. City of Atlanta*, Fulton County State Court, Civil Action File No. 2008-EV-005955B, in the amount of Thirty-Five Thousand Dollars (\$35,000.00).

SECTION 2 The Chief Financial Officer is authorized to pay the amount of Thirty-Five Thousand Dollars (\$35,000.00) to Miseal Reyes. 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 Miseal Reyes*, 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

NOV 18, 2013
NOV 27, 2013

RCS# 3145
11/18/13
2:17 PM

Atlanta City Council

CONSENT I CONSENT AGENDA:ALL ITEMSEXCEPT 13-O-1373
 1377, 13-R-3678, 13-O-1369 AND 1340
 ADOPT

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

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

CONSENT I

+

ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	11-18-13 ITEMS ADVERSED ON CONSENT
1. 13-O-1243 2. 13-O-1355 3. 13-O-1357 4. 13-O-1358 5. 13-O-1359 6. 13-O-1346 7. 13-O-1347 8. 13-O-1348 9. 13-O-1349 10. 13-O-1350 11. 13-O-1351 12. 13-O-1384 13. 13-O-0030 14. 13-O-1299 15. 13-O-1337 16. 13-O-1360 17. 13-O-1361 18. 13-O-1362 19. 13-O-1370 20. 13-O-1371 21. 13-O-1372 22. 13-O-1381 23. 13-O-1382 24. 13-O-1383 25. 13-O-1315 26. 13-O-1366 27. 13-O-1367 28. 13-O-1368 29. 13-O-1374 30. 13-O-1375 31. 13-O-1379	32. 13-O-1380 33. 13-R-3767 34. 13-R-3737 35. 13-R-3738 36. 13-R-3739 37. 13-R-3740 38. 13-R-3741 39. 13-R-3762 40. 13-R-3763 41. 13-R-3764 42. 13-R-3765 43. 13-R-3766 44. 13-R-3543 45. 13-R-3735 46. 13-R-3734 47. 13-R-3769 48. 13-R-3770 49. 13-R-3771 50. 13-R-3772 51. 13-R-3774 52. 13-R-3775 53. 13-R-3742 54. 13-R-3744 55. 13-R-3745 56. 13-R-3746 57. 13-R-3747 58. 13-R-3748 59. 13-R-3749 60. 13-R-3750 61. 13-R-3751	62. 13-R-3752 63. 13-R-3753 64. 13-R-3754 65. 13-R-3755 66. 13-R-3756 67. 13-R-3757 68. 13-R-3758 69. 13-R-3759 70. 13-R-3760 71. 13-R-3761