

13- R-3796

(Do Not Write Above This Line) #3319

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 TIMOTHY COLES V. CITY OF ATLANTA AND K&V METER AUTOMATION, LLC, CIVIL ACTION FILE NO. 2013CV227886, PENDING IN FULTON COUNTY STATE COURT, IN THE AMOUNT OF \$90,000.00 (THE "SETTLEMENT AMOUNT"); AUTHORIZING THE SETTLEMENT AMOUNT TO BE CHARGED FROM FUND 5051 (WATER & WASTEWATER REVENUE FUND), CENTER NUMBER 170201 (DEPARTMENTAL); 5750002 (ACCOUNT), AND 4310000 (FUNCTIONAL ACTIVITY); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

Approved By:

Kimberly Patrick Interim Deputy City Attorney

ADOPTED BY

DEC 02 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

PSLA Committee, 11/26/13 Date, Chair, Action Fav, Adv, Hold, Other, Members, Refer To

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

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

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

FINAL COUNCIL ACTION

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

CERTIFIED DEC 08 2013 ATLANTA CITY COUNCIL PRESIDENT

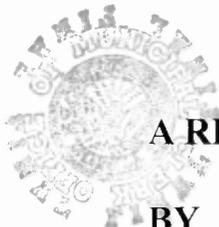
CERTIFIED DEC 02 2013 Rhonda Dushier Johnson MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

DEC 11 2013

WITHOUT SIGNATURE BY OPERATION OF LAW



A RESOLUTION

**BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE**

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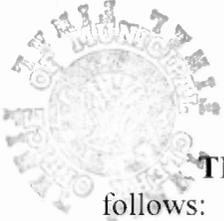
WHEREAS, TIMOTHY COLES V. CITY OF ATLANTA AND K&V METER AUTOMATION, LLC is a lawsuit in which Plaintiff sought to recover damages from the City of Atlanta resulting from injuries allegedly sustained from stepping into a water meter hole with a broken or missing cover; and

WHEREAS, Plaintiff alleges that he has suffered serious bodily injury as a result of the City of Atlanta's maintenance of a dangerous and unsafe condition by their failure to properly maintain and replace the water meter cover; and

WHEREAS, Plaintiff has agreed to accept the Settlement Amount in full settlement of all claims against the City of Atlanta; and

WHEREAS, the City Attorney has done extensive review of the facts and the law and has determined that the City's potential financial exposure in defending Plaintiff's claim is in excess of the Settlement Amount; and

WHEREAS, the City Attorney considers it to be in the best interest of the City to pay the Settlement Amount 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 documents in the case of **TIMOTHY COLES V. CITY OF ATLANTA AND K&V METER AUTOMATION, LLC** in the amount of Ninety Thousand Dollars (\$90,000.00).

SECTION 2. The Chief Financial Officer is authorized to make payment from **FUND 5051 (WATER & WASTEWATER REVENUE FUND), CENTER NUMBER 170201 (DEPARTMENTAL); 5750002 (ACCOUNT), AND 4310000 (FUNCTIONAL ACTIVITY).** Payment shall be in the form of a check in the amount of \$90,000.00 payable to **Woodward + Stern, LLC for Timothy Coles, 1124 Canton Street, Roswell, GA 30075.** 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 "K. L. ...", is written over the text "A true copy,".

Deputy Clerk

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

DEC 02, 2013
DEC 11, 2013

RCS# 3178
12/02/13
3:26 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I:EXCEPT
13-O-1333,1334,1264,1395,13-R-3783,3785
ADOPT

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

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

CONSENT I

+

		12-02-13
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 13-O-1100	41. 13-R-3792	79. 13-R-3806
2. 13-O-1398	42. 13-R-3850	80. 13-R-3807
3. 13-O-1386	43. 13-R-3851	81. 13-R-3808
4. 13-O-1387	44. 13-R-3852	82. 13-R-3809
5. 13-O-1400	45. 13-R-3853	83. 13-R-3810
6. 13-O-1401	46. 13-R-3854	84. 13-R-3811
7. 13-O-1402	47. 13-R-3855	85. 13-R-3812
8. 13-O-1403	48. 13-R-3856	86. 13-R-3813
9. 13-O-1404	49. 13-R-3857	87. 13-R-3814
10. 13-O-1405	50. 13-R-3858	88. 13-R-3815
11. 13-O-1406	51. 13-R-3859	89. 13-R-3816
12. 13-O-1407	52. 13-R-3869	90. 13-R-3817
13. 13-O-1408	53. 13-R-3786	91. 13-R-3818
14. 13-O-1411	54. 13-R-3846	92. 13-R-3819
15. 13-O-1412	55. 13-R-3849	93. 13-R-3820
16. 13-O-1413	56. 13-R-3871	94. 13-R-3821
17. 13-O-1415	57. 13-R-3872	95. 13-R-3822
18. 13-O-1389	58. 13-R-3795	96. 13-R-3823
19. 13-O-1390	59. 13-R-3796	97. 13-R-3824
20. 13-O-1391	60. 13-R-3873	98. 13-R-3825
21. 13-O-1392	61. 13-R-3874	99. 13-R-3826
22. 13-O-1397	62. 13-R-3875	100. 13-R-3827
23. 13-O-1388	63. 13-R-3876	101. 13-R-3828
24. 13-O-1356	64. 13-R-3877	102. 13-R-3829
25. 13-O-1393	65. 13-R-3878	103. 13-R-3830
26. 13-O-1210	66. 13-R-3782	104. 13-R-3831
27. 13-O-1262	67. 13-R-3860	105. 13-R-3832
28. 13-O-1325	68. 13-R-3777	106. 13-R-3833
29. 13-O-1326	69. 13-R-3779	107. 13-R-3834
30. 13-R-3794	70. 13-R-3797	108. 13-R-3835
31. 13-R-3861	71. 13-R-3798	109. 13-R-3836
32. 13-R-3862	72. 13-R-3799	110. 13-R-3837
33. 13-R-3863	73. 13-R-3800	111. 13-R-3838
34. 13-R-3864	74. 13-R-3801	112. 13-R-3839
35. 13-R-3865	ITEMS ADVERSED ON	113. 13-R-3840
36. 13-R-3866	CONSENT	114. 13-R-3841
37. 13-R-3867	75. 13-R-3802	115. 13-R-3842
38. 13-R-3689	76. 13-R-3803	116. 13-R-3843
39. 13-R-3778	77. 13-R-3804	117. 13-R-3844
40. 13-R-3790	78. 13-R-3805	118. 13-R-3845