

13- R -3878

(Do Not Write Above This Line)

A RESOLUTION

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE PARTIAL SETTLEMENT OF CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF ERIKA COOK-AARON, ET AL. V. CITY OF ATLANTA, CIVIL ACTION FILE NO. 2012-EV-014471, FULTON COUNTY STATE COURT, IN THE TOTAL AMOUNT OF \$170,000.00; AUTHORIZING \$40,000.00 TO BE PAID FROM FUND 1001 (GENERAL FUND) CENTER NUMBER 200101 (NON DEPARTMENTAL) ACCOUNT 5212005 (LITIGATION EXPENSES) AND 1512000 (ACCOUNTING); AND \$130,000.00 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.

- 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 11/26/13
 Chair [Signature]
 Action:
 Fav, Adv, Hold (see rev. side)
 Other:
 Members:
[Signatures]
 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
DEC 02 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 V

CERTIFIED

DEC 02 2013

ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
DEC 02 2013

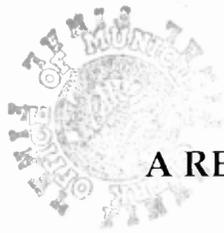
Ronda Dandrea Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

DEC 11 2013

WITHOUT SIGNATURE
BY OPERATION OF LAW



A RESOLUTION

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE

A RESOLUTION AUTHORIZING THE PARTIAL SETTLEMENT OF CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF ERIKA COOK-AARON, ET AL. V. CITY OF ATLANTA, CIVIL ACTION FILE NO. 2012-EV-014471, FULTON COUNTY STATE COURT, IN THE TOTAL AMOUNT OF \$170,000.00; AUTHORIZING \$40,000.00 TO BE PAID FROM FUND 1001 (GENERAL FUND) CENTER NUMBER 200101 (NON DEPARTMENTAL ACCOUNT 5212005 (LITIGATION EXPENSES) AND 1512000 (ACCOUNTING)); AND \$130,000.00 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 Dan Mitchell filed a lawsuit, *Erika Cook-Aaron, et al. vs. City of Atlanta*, alleging that his property was damaged as result of storm water flooding and sanitary sewer backups into the property;

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

WHEREAS, Plaintiff Dan Mitchell has agreed to accept \$170,000.00 in full settlement of all claims against the City of Atlanta including interest and attorney's fees, and the transfer of his property located at 959 Hill Street, Atlanta, Georgia 30315 to the ownership, possession and control of the City of Atlanta;



WHEREAS, the City Attorney considers it to be in the best interest of the City to pay Plaintiff the total amount of \$170,000.00 to settle all claims against the City of Atlanta, and acquire the property located at 959 Hill, Atlanta, Georgia 30315.

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 related to the claims of Dan Mitchell in the case of *Erika Cook-Aaron, et al. vs. City of Atlanta*, Fulton County State Court, Civil Action File No. 2012-EV-014471, in the amount of One Hundred Seventy Thousand Dollars (\$170,00.00).

SECTION 2 The Chief Financial Officer is authorized to pay the amount of One Hundred Seventy Thousand Dollars (\$170,000.00) to Dan Mitchell. Said payment is to be charged, paid and issued as follows: \$40,000.00 from Fund 1001 (General Fund) Center Number 200101 (Non Departmental) Account 5212005 (Litigation Expenses) and 1512000 (Accounting); and \$130,000.00 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 Dan Mitchell*, 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,

A handwritten signature in black ink, appearing to be "A. L. ...", written over the text "A true copy," and "Deputy Clerk".

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 ADVERSESED 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 ADVERSESED 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