

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 COLLEEN FRANKLIN v. CITY OF ATLANTA, ET AL., CIVIL ACTION FILE NO. 2011EV028418, PENDING IN FULTON COUNTY SUPERIOR COURT, IN THE AMOUNT OF \$50,000.00 (THE “SETTLEMENT AMOUNT”); AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND 5051 (WATER & WASTEWATER REVENUE FUND), 170201 (DWM WASTEWATER TREATMENT), 5750002 (PROPERTY LIQUIDATION) AND 4310000 (SANITARY ADMINISTRATION); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, COLLEEN FRANKLIN V. CITY OF ATLANTA, ET AL., is a case in which the 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 she 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, which includes attorney’s fees and costs of litigation; 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 claims 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 **COLLEEN FRANKLIN V. CITY OF ATLANTA, ET AL.,** in the amount of Fifty Thousand Dollars and no Cents (\$50,000.00).

SECTION 2. The Chief Financial Officer is authorized to make payment from **FUND 5051 (WATER & WASTEWATER REVENUE FUND), 170201 (DWM WASTEWATER TREATMENT), 5750002 (PROPERTY LIQUIDATION) and 4310000 (SANITARY ADMINISTRATION).** Payment shall be in the form of a check in the amount of \$50,000.00 payable to **Corey M. Stern; Woodward & Stern, LLC; 38 Sloan Street; Roswell, Georgia 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.