

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 DENETHIA MCCALL V. CITY OF ATLANTA, ET AL., CIVIL ACTION FILE NO. 2011-CV-201810, FULTON COUNTY SUPERIOR COURT, IN THE TOTAL AMOUNT OF \$90,000.00; AUTHORIZING SAID PAYMENT 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 SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, Plaintiff Denethia McCall filed a lawsuit, *Denethia McCall vs. City of Atlanta, et al.*, alleging that the City of Atlanta was negligent and created a nuisance by failing to properly maintain its manholes;

WHEREAS, Plaintiff alleges that due to City of Atlanta's failure to properly maintain its manholes, she sustained bodily injuries;

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 Denethia McCall has agreed to accept \$90,000.00 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 \$90,000.00 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 *Denethia McCall vs. City of Atlanta, et al.*, Fulton

County Superior Court, Civil Action File No. 2011-CV-201810, in the amount of Ninety Thousand Dollars (\$90,000.00).

SECTION 2 The Chief Financial Officer is authorized to pay the amount of Ninety Thousand Dollars (\$90,000.00) to *Denethia McCall*. 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 Christopher Law Firm, as attorneys for Denethia McCall*, 121 Church Street, Decatur, GA 30030. 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.