

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 MARY J. BROWNLEE, ET AL. V. CITY OF ATLANTA, ET AL., CIVIL ACTION FILE NO. 2008-EV-006153, FULTON COUNTY STATE COURT, IN THE TOTAL AMOUNT OF \$76,666.00; 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, Plaintiffs Mary J. Brownlee, Alex King and Blair King, filed a lawsuit, *Mary J. Brownlee, Alex King and Blair King vs. City of Atlanta, Insituform Technologies, Inc. and Environmental Pipeline Rehabilitation, Inc.*, alleging that the parties caused a sanitary sewer backup into their homes;

WHEREAS, Plaintiffs allege that due to failure and inadequacies of the City of Atlanta's sanitary sewer systems, their properties 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 Plaintiffs' claims is in excess of the settlement amount;

WHEREAS, Plaintiffs Mary J. Brownlee, Alex King and Blair King have agreed to accept \$76,666.00 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 Plaintiffs the total amount of \$76,666.00 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 *Mary J. Brownlee, et al. vs. City of Atlanta, et al.*, Fulton County State Court, Civil Action File No. 2008-EV-006153, in the amount of Seventy-Six Thousand Six Hundred Sixty-Six Dollars (\$76,666.00).

SECTION 2 The Chief Financial Officer is authorized to pay the amount of Seventy-Six Thousand Six Hundred Sixty-Six Dollars (\$76,666.00) to Mary J. Brownlee, Alex King and Blair King. 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 Mary J. Brownlee, Alex King and Blair King*, 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.