

A RESOLUTION BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF VERTICAL PROPERTIES DEVELOPMENT, LLC, ET AL. V. THE CITY OF ATLANTA, CIVIL ACTION FILE NO. 2013-CV-232534, FULTON COUNTY SUPERIOR COURT, IN THE AMOUNT OF \$200,000.00; AUTHORIZING SAID AMOUNT 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.

Review List:

Kimberly Patrick	Completed	10/08/2013 8:06 AM
Office of Research and Policy Analysis	Completed	10/08/2013 10:39 AM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

**A RESOLUTION
BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE**

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WHEREAS, Plaintiffs Vertical Properties Development, LLC, Rainey Apparel Manufacturing, Inc. d/b/a Rainey Compression Essentials and Russell Rainey, filed a lawsuit, *Vertical Properties Development, LLC; Rainey Apparel Manufacturing, Inc. d/b/a Rainey Compression Essentials, and Russell Rainey vs. The City of Atlanta*, alleging that their property was damaged as result of sanitary sewer backups into the property;

WHEREAS, Plaintiffs allege that due to failure and inadequacies of the City of Atlanta's sanitary sewer system, their property sustained damages resulting from 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 Plaintiffs' claims is in excess of the settlement amount;

WHEREAS, Plaintiffs Vertical Properties Development, LLC, Rainey Apparel Manufacturing, Inc. d/b/a Rainey Compression Essentials and Russell Rainey, have agreed to accept \$200,000.00 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 Plaintiffs the total amount of \$200,000.00 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 *Vertical Properties Development, LLC; Rainey Apparel Manufacturing, Inc. d/b/a Rainey Compression Essentials, and Russell Rainey vs. The City of Atlanta*, Fulton County Superior Court, Civil Action File No. 2013-CV-232534, in the amount of Two Hundred Thousand Dollars (\$200,000.00).

SECTION 2 The Chief Financial Officer is authorized to pay the amount of Two Hundred Thousand Dollars (\$200,000.00) to Vertical Properties Development, LLC, Rainey Apparel

Manufacturing, Inc. d/b/a Rainey Compression Essentials and Russell Rainey. 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 Johnson Insurance Law Group, LLC, as attorneys for Vertical Properties Development, LLC; Rainey Apparel Manufacturing, Inc. d/b/a Rainey Compression Essentials, and Russell Rainey, 1629 Monroe Drive, Atlanta, Georgia 30324.* 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.