

A RESOLUTION BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF TIMOTHY COLES V. CITY OF ATLANTA AND K&V METER AUTOMATION, LLC, CIVIL ACTION FILE NO. 2013CV227886, PENDING IN FULTON COUNTY STATE COURT, IN THE AMOUNT OF \$90,000.00 (THE "SETTLEMENT AMOUNT"); AUTHORIZING THE SETTLEMENT AMOUNT TO BE CHARGED FROM FUND 5051 (WATER & WASTEWATER REVENUE FUND), CENTER NUMBER 170201 (DEPARTMENTAL); 5750002 (ACCOUNT), AND 4310000 (FUNCTIONAL ACTIVITY); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

STAFF COMMENTS: This resolution authorizes the settlement of a lawsuit wherein plaintiff seeks to recover damages resulting from injuries allegedly sustained from stepping into a water meter hole with a broken or missing cover.

Review List:

Kimberly Patrick	Completed	11/19/2013 5:00 PM
Office of Research and Policy Analysis	Completed	11/20/2013 12:22 PM
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>	

LEGISLATION HISTORY - BLUEBACK

A RESOLUTION BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF TIMOTHY COLES V. CITY OF ATLANTA AND K&V METER AUTOMATION, LLC, CIVIL ACTION FILE NO. 2013CV227886, PENDING IN FULTON COUNTY STATE COURT, IN THE AMOUNT OF \$90,000.00 (THE "SETTLEMENT AMOUNT"); AUTHORIZING THE SETTLEMENT AMOUNT TO BE CHARGED FROM FUND 5051 (WATER & WASTEWATER REVENUE FUND), CENTER NUMBER 170201 (DEPARTMENTAL); 5750002 (ACCOUNT), AND 4310000 (FUNCTIONAL ACTIVITY); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

STAFF COMMENTS: THIS RESOLUTION AUTHORIZES THE SETTLEMENT OF A LAWSUIT WHEREIN PLAINTIFF SEEKS TO RECOVER DAMAGES RESULTING FROM INJURIES ALLEGEDLY SUSTAINED FROM STEPPING INTO A WATER METER HOLE WITH A BROKEN OR MISSING COVER.

WHEREAS, TIMOTHY COLES V. CITY OF ATLANTA AND K&V METER AUTOMATION, LLC, is a lawsuit in which 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 he has 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; 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 claim 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 TIMOTHY COLES V. CITY OF ATLANTA AND K&V METER AUTOMATION, LLC in the amount of Ninety Thousand Dollars (\$90,000.00).

SECTION 2. The Chief Financial Officer is authorized to make payment from FUND 5051 (WATER & WASTEWATER REVENUE FUND), CENTER NUMBER 170201 (DEPARTMENTAL); 5750002 (ACCOUNT), AND 4310000 (FUNCTIONAL ACTIVITY). Payment shall be in the form of a

check in the amount of \$90,000.00 payable to Woodward + Stern, LLC for Timothy Coles, 1124 Canton Street, Roswell, GA 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.