3851

14-R-3315

(Do Not Write Above This Line)

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE MATTER OF CITY OF ATLANTA V. USA PARKING, INC, *ET AL.*, FULTON COUNTY SUPERIOR COURT CIVIL ACTION FILE NO. 2013-CV-226141, FOR AN ADDITIONAL AMOUNT NOT TO EXCEED SEVENTY THOUSAND DOLLARS ($70,000.00) IN SETTLEMENT OF THE CONDEMNATION OF A FEE SIMPLE INTEREST FOR THE PEACHTREE CREEK BASIN PROJECT; THAT ALL MONETARY SETTLEMENT AMOUNTS BE CHARGED TO AND PAID FROM THE APPROPRIATE ACCOUNTS ASSOCIATED WITH PATEO: 171194 (LAND SUPPORT SERVICES) 505221391 (WATER & WASTEWATER R&E FUND) L.02 (TASK) 5212001 (CONSULTING/PROFESSIONAL SERVICES), COA; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE REMAINING SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

BY: Kimberly Patrick, Deputy City Attorney

As Amended

☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

ADOPTED BY COUNCIL MAR 17 2014

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee
Date
Chair
Referred to

Committee	Committee
Public Safety & LA	
Date: March 11, 2014	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other: AS AMENDED	Other:
Members	Members
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other:	Other:
Members	Members
Refer To	Refer To

FINAL COUNCIL ACTION

☐2nd ☐1st & 2nd Readings ☐3rd

☑Consent ☐V Vote ☑RC Vote

CERTIFIED
MAR 17 2014
ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
MAR 17 2014
Rhonda Dauphin Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
MAR 26 2014

WITHOUT SIGNATURE
BY OPERATION OF LAW

CITY COUNCIL
ATLANTA, GEORGIA

AN AMENDED RESOLUTION BY **14-R-3315**

PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS INVOLVING THE CITY OF ATLANTA IN THE MATTER OF CITY OF ATLANTA V. USA PARKING, INC. *ET AL.*, FULTON COUNTY SUPERIOR COURT, CIVIL ACTION FILE NO. 2013-CV-226141, FOR AN ADDITIONAL AMOUNT NOT TO EXCEED SEVENTY THOUSAND DOLLARS ($70,000.00) IN SETTLEMENT OF THE CONDEMNATION OF A FEE SIMPLE INTEREST FOR THE PEACHTREE CREEK BASIN PROJECT; THAT ALL MONETARY SETTLEMENT AMOUNTS BE CHARGED TO AND PAID FROM THE APPROPRIATE ACCOUNTS ASSOCIATED WITH PATEO: 17102445 (PROJECT) 104 (TASK) 505221391 (AWARD) 5411001 (EXPENDITURE) ORG (COA) FDOA: 5052(WATER & WASTEWATER R & E FUND) 171002(DMW SEWER LINEAR MAINT./REPAIR) 5411001 (LAND) 4330000 (SEWAGE COLLECTION & DISPOSAL) 102445 (SEWER GROUP 2 REHAB); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE REMAINING SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, USA Parking, Inc. ("Property Owner") is the owner and/or has a legal interest in that certain property having an address of 1930 Cheshire Bridge Road, Atlanta, GA and a Fulton County tax identification number of 17-0050-0002-009 ("Property"); and

WHEREAS, the City of Atlanta ("City") needed fee simple ownership of the Property being approximately .318 acres or 13,852 square feet, more or less, for the purpose of constructing infrastructure required for the project known as the Peachtree Creek South Fork Relief Storage and Pumping Station project ("Project"); and

WHEREAS, the City filed a Petition for Condemnation to obtain the needed fee simple interests, in the matter of City of Atlanta v. USA Parking, Inc. *et al.*, Fulton County Superior Court, Civil Action File No. 2013-CV-226141 ("Condemnation") and deposited Three Hundred and Thirty Thousand Dollars ($330,000.00) into the court registry according to the appraised value of the Property to be condemned; and

WHEREAS, the Property Owner and the City have reached a tentative settlement agreement where the Property Owner has agreed to settle the above referenced matter for an additional payment of Seventy Thousand Dollars ($70,000.00), totaling Four Hundred Thousand Dollars ($400,000.00) in settlement of the Condemnation and full release of the City; and

WHEREAS, the City Attorney has performed a review of this case and determined that the settlement of this case, as described above, is in the best interests of the City.

THE CITY COUNCIL OF THE CITY OF ATLANTA HEREBY RESOLVES that the City Attorney is authorized to settle the Condemnation and to execute all necessary documents for the settlement of the Condemnation for an amount not to exceed an additional payment of Seventy Thousand Dollars ($70,000.00), totaling Four Hundred Thousand Dollars ($400,000.00) for the

final settlement of the Condemnation and full release of the City, pursuant to the final settlement agreement terms as full compensation for the Condemnation of the Property; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to pay into the Fulton County Court Registry, upon presentation and approval by the City Attorney, an additional amount of Seventy Thousand Dollars ($70,000.00), representing the amount over the original Three Hundred and Thirty Thousand Dollars ($330,000.00) previously deposited this is needed to reach the total agreed upon settlement value of Four Hundred Thousand Dollars ($400,000.00), from the appropriate accounts associated with PATEO: 17102445 (Project) 104 (Task) 505221391 (Award) 5411001 (Expenditure) Org (COA) FDOA: 5052(Water & Wastewater R & E Fund) 171002(DMW Sewer Linear Maint./Repair) 5411001 (Land) 4330000 (Sewage Collection & Disposal) 102445 (Sewer Group 2 Rehab) for the purposes of settling all claims associated with the Condemnation; and

AND FINALLY BE IT RESOLVED that all resolutions or parts of resolutions in conflict herewith are hereby waived to the extent of the conflict.

A true copy,

Deputy Clerk

ADOPTED *as amended* **by the Atlanta City Council** **MAR 17, 2014**
APPROVED as per City Charter Section 2-403 **MAR 26, 2014**

RCS# 180
3/17/14
4:19 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I: EXCEPT
14-0-1114;1135; 1136
ADOPT

YEAS:	11
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	4
EXCUSED:	0
ABSENT	1

Y Smith	Y Archibong	Y Moore	Y Bond
NV Hall	Y Wan	Y Martin	NV Norwood
Y Young	Y Shook	B Bottoms	Y Dickens
NV Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

RCS# 181
3/17/14
4:21 PM

Atlanta City Council

CONSENT I

14-0-1114;1135; 1136
ADOPT

YEAS:	9
NAYS:	2
ABSTENTIONS:	0
NOT VOTING:	4
EXCUSED:	0
ABSENT	1

Y Smith	Y Archibong	N Moore	Y Bond
NV Hall	N Wan	Y Martin	NV Norwood
Y Young	Y Shook	B Bottoms	Y Dickens
NV Winslow	Y Adrean	Y Sheperd	NV Mitchell

+

		03-17-14
ITEMS ADOPTED ON CONSENT	**ITEMS ADVERSED ON CONSENT**	**ITEMS ADVERSED ON CONSENT**
1. 14-O-1119	34. 14-R-3298	
2. 14-O-1120	35. 14-R-3299	
3. 14-O-1140	36. 14-R-3300	
4. 14-O-1141	37. 14-R-3301	
5. 14-O-1142	38. 14-R-3302	
6. 14-O-1143	39. 14-R-3303	
7. 14-O-1144	40. 14-R-3304	
8. 14-O-1145	41. 14-R-3305	
9. 14-O-1146	42. 14-R-3306	
10. 14-O-1147	43. 14-R-3307	
11. 14-O-1121	44. 14-R-3308	
12. 14-O-1122	45. 14-R-3309	
13. 14-O-1123	46. 14-R-3310	
14. 14-O-1124	47. 14-R-3311	
15. 14-O-1131	48. 14-R-3312	
16. 14-R-3314	49. 14-R-3313	
17. 14-R-3315		
18. 14-R-3316		
19. 14-R-3317		
20. 14-R-3289		
21. 14-R-3290		
22. 14-R-3291		
23. 14-R-3285		
24. 14-R-3286		
25. 14-R-3287		
26. 14-R-3288		
27. 14-R-3318		
28. 14-R-3292		
29. 14-R-3293		
30. 14-R-3294		
31. 14-R-3295		
32. 14-R-3296		
33. 14-R-3297		