

14-~~R~~3369
 (Do Not Write Above This Line)

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 EULA CALLAHAN AND HENRY RICE V. CITY OF ATLANTA, CIVIL ACTION FILE NO. 11-EV-013903H, FULTON COUNTY STATE COURT, IN THE AMOUNT OF \$50,000.00; AUTHORIZING SAID AMOUNT TO BE PAID FROM FUND 1001 (GENERAL FUND) CENTER NUMBER 200101 (NON DEPARTMENTAL) ACCOUNT 5212005 (LITIGATION EXPENSES) AND 1512000 (ACCOUNTING); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE TOTAL SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

[Signature]
 KIMBERLY PATRICK
 INTERIM DEPUTY CITY ATTORNEY

ADOPTED BY
APR 21 2014
COUNCIL

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

Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

Committee _____
 Date _____
 Chair _____
 Referred to _____

Public Safety & L.A.
 Date March 25, 2014
 Chair *[Signature]*

Action: Fav, Adv, Hold (see rev. side)
 Other: _____

Members *[Signatures]*
 Refer To: _____

Committee _____

Date _____
 Chair _____

Action: Fav, Adv, Hold (see rev. side)
 Other: _____

Members _____
 Refer To: _____

Committee _____

Date _____
 Chair _____

Action: Fav, Adv, Hold (see rev. side)
 Other: _____

Members _____

Committee _____

Date _____
 Chair _____

Action: Fav, Adv, Hold (see rev. side)
 Other: _____

Members _____

Refer To _____

Refer To _____

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
 Readings
 Consent V Vote RC Vote

CERTIFIED
 APR 21 2014
 ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
 APR 21 2014
[Signature]
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

APR 30 2014

WITHOUT SIGNATURE
 BY OPERATION OF LAW

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 EULA CALLAHAN AND HENRY RICE V. CITY OF ATLANTA, CIVIL ACTION FILE NO. 11-EV-013903H, FULTON COUNTY STATE COURT, IN THE AMOUNT OF \$50,000.00; AUTHORIZING SAID AMOUNT TO BE PAID FROM FUND 1001 (GENERAL FUND) CENTER NUMBER 200101 (NON DEPARTMENTAL) ACCOUNT 5212005 (LITIGATION EXPENSES) AND 1512000 (ACCOUNTING); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE TOTAL SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, Plaintiffs Eula Callahan and Henry Rice filed a lawsuit, *Eula Callahan and Henry Rice vs. City of Atlanta*, alleging that their properties were damaged as result of storm water flooding onto the properties;

WHEREAS, Plaintiffs allege that due to failure and inadequacies of the City of Atlanta's storm water drainage system, their properties sustained damages resulting from storm water flooding;

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 Eula Callahan and Henry Rice, have agreed to accept \$50,000.00 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 \$50,000.00 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 *Eula Callahan and Henry Rice vs. City of Atlanta*, Fulton County State Court, Civil Action File No. 11-EV-013903H, in the amount of Fifty Thousand Dollars (\$50,000.00).

SECTION 2 The Chief Financial Officer is authorized to pay the amount of Fifty Thousand Dollars (\$50,000.00) to Eula Callahan and Henry Rice. Said payment is to be charged, paid and issued from Fund 1001 (General Fund) Center Number 200101 (Non Departmental) Account 5212005 (Litigation Expenses) and 1512000 (Accounting); and made payable to *Martin & Jones, as attorneys for Eula Callahan and Henry Rice, 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.



A true copy,

Deputy Clerk

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

APR 21, 2014
APR 30, 2014

RCS# 233
4/21/14
2:11 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I: ALL ITEMS
EXCEPT 14-R-3377, 3379,3383
ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 0

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

CONSENT I

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		04-21-14
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 14-O-1160	34. 14-R-3327	54. 14-R-3347
2. 14-O-1161	35. 14-R-3328	55. 14-R-3348
3. 14-O-1164	36. 14-R-3329	56. 14-R-3349
4. 14-O-1148	37. 14-R-3330	57. 14-R-3350
5. 14-O-1153	38. 14-R-3331	58. 14-R-3351
6. 14-O-1154	39. 14-R-3332	59. 14-R-3352
7. 14-O-1155	40. 14-R-3333	60. 14-R-3353
8. 14-O-1157	41. 14-R-3334	61. 14-R-3354
9. 14-O-1169	42. 14-R-3335	62. 14-R-3355
10. 14-O-1158	43. 14-R-3336	63. 14-R-3356
11. 14-O-1159	44. 14-R-3337	64. 14-R-3357
12. 14-R-3387	45. 14-R-3338	65. 14-R-3358
13. 14-R-3388	46. 14-R-3339	66. 14-R-3359
14. 14-R-3326	47. 14-R-3340	67. 14-R-3360
15. 14-R-3375	48. 14-R-3341	68. 14-R-3361
16. 14-R-3376	49. 14-R-3342	69. 14-R-3362
17. 14-R-3380	50. 14-R-3343	70. 14-R-3363
18. 14-R-3381	51. 14-R-3344	71. 14-R-3364
19. 14-R-3382	52. 14-R-3345	72. 14-R-3365
20. 14-R-3017	53. 14-R-3346	73. 14-R-3366
21. 14-R-3384		74. 14-R-3367
22. 14-R-3385		75. 14-R-3368
23. 14-R-3386		
24. 14-R-3390		
25. 14-R-3391		
26. 14-R-3392		
27. 14-R-3393		
28. 14-R-3369		
29. 14-R-3370		
30. 14-R-3371		
31. 14-R-3372		
32. 14-R-3373		
33. 14-R-3374		