

A RESOLUTION BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE 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 COUNTRY 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) 1701002 (TASK) 5212001 (CONSULTING/PROFESSIONAL SERVICES), COA; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE REMAINING SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

Workflow List:

Kimberly Patrick	Completed	02/26/2014 4:36 PM
Finance	Completed	02/28/2014 8:16 AM
Office of Research and Policy Analysis	Completed	03/05/2014 10:28 AM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	
Mayor's Office	Pending	

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

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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 acre 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 needed to reach the total agreed upon settlement value of Four Hundred Thousand Dollars (\$400,000.00), from the appropriate accounts associated with FDOA: 5052 (Water & Wastewater RNE Fund) 1701002 (DWM Sewer Linear) 5212001 (Consulting/Professional Services), 4333000 (Sewage Collection & Disposal) 111194

(Land Support Services) 21391 (DWM RNE Fund) 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.