

A RESOLUTION BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE 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.

Workflow List:

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| Kimberly Patrick | Completed | 03/13/2014 3:52 PM |
| Finance | Completed | 03/13/2014 4:40 PM |
| Office of Research and Policy Analysis | Completed | 03/13/2014 5:09 PM |
| Public Safety & Legal Administration Committee | Pending | |
| Atlanta City Council | Pending | |
| Mayor's Office | Pending | |

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

A RESOLUTION BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE 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.