

A RESOLUTION BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF TIM MITCHELL V. CITY OF ATLANTA, CIVIL ACTION FILE NO. 2010-EV-009433Y, FULTON COUNTY STATE COURT, IN THE AMOUNT OF \$117,500.00; AUTHORIZING SAID AMOUNT TO BE PAID FROM 5051 (WATER & WASTEWATER REVENUE FUND) 170201 (DWM WASTEWATER TREATMENT) 5750002 (PROPERTY LIQUIDATION) AND 4310000 (SANITARY ADMINISTRATION); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE TOTAL SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

Workflow List:

Kimberly Patrick	Completed	05/13/2014 6:35 PM
Finance	Completed	05/14/2014 9:20 AM
Office of Research and Policy Analysis	Completed	05/20/2014 11:21 AM
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>	

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WHEREAS, Plaintiff Tim Mitchell filed a lawsuit, *Tim Mitchell vs. City of Atlanta*, alleging that his property was damaged as result of sanitary sewer backups into the property;

WHEREAS, Plaintiff alleges that due to failure and inadequacies of the City of Atlanta's sanitary sewer system, his property sustained damages resulting from sanitary sewer backups;

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 Plaintiff's claims is in excess of the settlement amount;

WHEREAS, Plaintiff Tim Mitchell has agreed to accept \$117,500.00 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 Plaintiff the total amount of \$117,500.00 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 *Tim Mitchell vs. City of Atlanta*, Fulton County State Court, Civil Action File No. 2010-EV-009433Y, in the amount of One Hundred Seventeen Thousand Five Hundred Dollars (\$117,500.00).

SECTION 2 The Chief Financial Officer is authorized to pay the amount of One Hundred Seventeen Thousand Five Hundred Dollars (\$117,500.00) to Tim Mitchell. Said payment is to be charged, paid and issued from Fund 5051 (Water & Wastewater Revenue Fund) 170201 (DWM Wastewater Treatment) 5750002 (Property Liquidation) and 4310000 (Sanitary Administration); and made payable to *Martin & Jones, as attorneys for Tim Mitchell*, 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.