

A RESOLUTION BY CITY UTILITIES COMMITTEE AUTHORIZING THE PARTIAL SETTLEMENT OF CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF ERIKA COOK-AARON, ET AL. V. CITY OF ATLANTA, CIVIL ACTION FILE NO. 2012-EV-014471, FULTON COUNTY STATE COURT, IN THE TOTAL AMOUNT OF \$365,000.00; AUTHORIZING \$72,500.00 TO BE PAID FROM FUND 1001 (GENERAL FUND) CENTER NUMBER 200101 (NON DEPARTMENTAL) ACCOUNT 5212005 (LITIGATION EXPENSES) AND 1512000 (ACCOUNTING); AND \$292,500.00 TO BE PAID FROM FUND 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	06/23/2014 3:10 PM
Finance	Completed	06/27/2014 8:55 AM
Office of Research and Policy Analysis	Completed	07/01/2014 3:11 PM
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>	

**A RESOLUTION BY CITY UTILITIES COMMITTEE AUTHORIZING THE PARTIAL SETTLEMENT OF CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF ERIKA COOK-AARON, ET AL. V. CITY OF ATLANTA, CIVIL ACTION FILE NO. 2012-EV-014471, FULTON COUNTY STATE COURT, IN THE TOTAL AMOUNT OF \$365,000.00; AUTHORIZING \$72,500.00 TO BE PAID FROM FUND 1001 (GENERAL FUND) CENTER NUMBER 200101 (NON DEPARTMENTAL) ACCOUNT 5212005 (LITIGATION EXPENSES) AND 1512000 (ACCOUNTING); AND \$292,500.00 TO BE PAID FROM FUND 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.**

WHEREAS, Plaintiffs Tom Gladden and Megan Carswell filed a lawsuit, *Erika Cook-Aaron, et al. vs. City of Atlanta*, alleging that their property was damaged as result of storm water flooding and sanitary sewer backups into the property;

WHEREAS, Plaintiffs allege that due to failure and inadequacies of the City of Atlanta's storm drainage and sanitary sewer systems, their property sustained damages resulting from storm water flooding and 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 Plaintiffs' claims is in excess of the settlement amount;

WHEREAS, Plaintiffs Tom Gladden and Megan Carswell have agreed to accept \$365,000.00 in full settlement of all claims against the City of Atlanta including interest and attorney's fees, and the transfer of their property located at 202 Atlanta Avenue, Atlanta, Georgia 30315 to the ownership, possession and control of the City of Atlanta;

WHEREAS, the City Attorney considers it to be in the best interest of the City to pay Plaintiffs the total amount of \$365,000.00 to settle all claims against the City of Atlanta and acquire the property located at 202 Atlanta Avenue, Atlanta, Georgia 30315.

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 related to the claims of Tom Gladden and Megan Carswell in the case of *Erika Cook-Aaron, et al. vs. City of Atlanta*, Fulton County State Court, Civil Action File No. 2012-EV-014471, in the amount of Three Hundred Sixty-Five Thousand Dollars (\$365,000.00) and to acquire the property located at 202 Atlanta Avenue, Atlanta, Georgia 30315.

SECTION 2 The Chief Financial Officer is authorized to pay the amount of Three Hundred Sixty-Five Thousand Dollars (\$365,000.00) to Tom Gladden and Megan Carswell. Said payment is to be charged, paid and issued as follows: \$72,500.00 from Fund 1001 (General Fund) Center Number 200101 (Non Departmental) Account 5212005 (Litigation Expenses) and 1512000 (Accounting); and \$292,500.00 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 Tom Gladden and Megan Carswell*, 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 as well as the purchase of the property located at 202 Atlanta Avenue, Atlanta, Georgia 30315.