

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST DEFENDANTS IN THE CASE OF HOGAN CONSTRUCTION GROUP, LLC v. CITY OF ATLANTA, CIVIL ACTION FILE NO. 2015CV259384, PENDING IN THE SUPERIOR COURT OF FULTON COUNTY, IN THE AMOUNT OF ONE HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$100,000.00) (THE “SETTLEMENT AMOUNT”); AUTHORIZING THE SETTLEMENT AMOUNT TO BE CHARGED TO AND PAID FROM 1001 (GENERAL FUND), CENTER NUMBER 200101 (NON-DEPARTMENTAL), ACCOUNT 5212005 (LITIGATION EXPENSES) and FUNCTIONAL ACTIVITY NUMBER 1512000 (ACCOUNTING); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, HOGAN CONSTRUCTION GROUP, LLC v. CITY OF ATLANTA, is a lawsuit in which Plaintiff seeks compensation from the City of Atlanta (“the City”) resulting from alleged breach of contract by the City; and

WHEREAS, Plaintiff alleges the City owes additional compensation pursuant to a breach of contract claim arising out of the construction of Fire Station 28, which was administered through the Department of Enterprise Asset Management; and

WHEREAS, Plaintiff has agreed to accept the Settlement Amount in full settlement of all claims against the Defendant; and

WHEREAS, the City Attorney has done an extensive review of the facts and the law and has determined that Defendant’s potential financial exposure in defending Plaintiff’s claim is in excess of the Settlement Amount; and

WHEREAS, the City Attorney considers it to be in the best interest of Defendant to pay the Settlement Amount to settle all claims against the City.

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 documents in the case of **HOGAN CONSTRUCTION GROUP, LLC v. CITY OF ATLANTA**, in the amount of One Hundred Thousand Dollars and Zero Cents (**\$100,000.00**).

SECTION 2. The Chief Financial Officer is authorized to make payment from **FUND 1001 (GENERAL FUND), CENTER NUMBER 200101 (NON-DEPARTMENTAL), ACCOUNT 5212005 (LITIGATION EXPENSES) and FUNCTIONAL ACTIVITY NUMBER 1512000 (ACCOUNTING)**. Payment shall be in the form of a check in the amount of **\$100,000.00** payable to **Hogan Construction Group, LLC, 3575 Piedmont Road, Suite 850 Atlanta, GA 30305**. 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.