

A RESOLUTION BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AUTHORIZING THE SETTLEMENT OF CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF ANDREW DUNLAP, ET AL. V. CITY OF ATLANTA, CIVIL ACTION FILE NO. 13-EV-016532, FULTON COUNTY STATE COURT, IN THE TOTAL AMOUNT OF \$480,000.00 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 Andrew Dunlap, Zany Dunlap, Yoshico Dunlap and Francisco Fernandez filed a lawsuit, *Andrew Dunlap, et al. v. City of Atlanta*, alleging that their properties were damaged as result of storm water flooding;

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 Andrew Dunlap, Zany Dunlap, Yoshico Dunlap and Francisco Fernandez have agreed to accept \$480,000.00 in full settlement of all claims against the City of Atlanta including interest and attorney's fees, and the transfer of the property located at 483 Monument Avenue, Atlanta, Georgia 30316 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 \$480,000.00 to settle all claims against the City of Atlanta and acquire the property located at 483 Monument Avenue, Atlanta, Georgia 30316.

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 Andrew Dunlap, Zany Dunlap, Yoshico Dunlap and Francisco Fernandez in the case of *Andrew Dunlap, et al. vs. City of Atlanta*, Fulton County State Court, Civil Action File No. 13-EV-016532, in the amount of Four Hundred Eighty Dollars (\$480,000.00) and to acquire the property located at 483 Monument Avenue, Atlanta, Georgia 30316.

SECTION 2 The Chief Financial Officer is authorized to pay the amount of Four Hundred Eighty Thousand Dollars (\$480,000.00) to Andrew Dunlap, Zany Dunlap, Yoshico Dunlap and

Francisco Fernandez. 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 *Kopelman Sitton Law Group, as attorneys for Andrew Dunlap, Zany Dunlap, Yoshico Dunlap and Francisco Fernandez*, 3405 Piedmont Road, NE, Suite 500, Atlanta, Georgia 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, as well as the purchase of the property located at 483 Monument Avenue, Atlanta, Georgia 30316.

See Authentication Page Attachment