



**A RESOLUTION BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AUTHORIZING THE SETTLEMENT OF CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF SOUTHERN CROSS FINANCIAL, LLC V. CITY OF ATLANTA, CIVIL ACTION FILE NO. 2012-CV-215858, FULTON COUNTY SUPERIOR COURT, IN THE TOTAL AMOUNT OF \$275,000.00; AUTHORIZING \$275,000.00 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, Plaintiff Southern Cross Financial LLC filed a lawsuit, *Southern Cross Financial, LLC. vs. City of Atlanta*, alleging that their property is contaminated with waste and that the City has failed to remediate;

WHEREAS, Plaintiffs allege that the City deposited waste on its property in the operation of a landfill and it sustained damages resulting therefrom;

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 Southern Cross Financial, LLC has agreed to accept \$275,000.00 in full settlement of all claims against the City of Atlanta including interest and attorney's fees, and the transfer of its property: Parcel #91- Tax ID: 17-247-10-91-5; Parcel #79 - Tax ID: 17-247-10-79-0; and Parcel #48- Tax ID: 17-247-10-48-5 located at the East end of Mack Drive in the City of Atlanta, Fulton County, Georgia, 30318 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 Plaintiff the total amount of \$275,000.00 to settle all claims against the City of Atlanta and acquire the property referenced in the above Whereas paragraph.

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 and closing documents related to the claims of Southern Cross Financial, LLC in the case of *Southern Cross Financial, LLC vs. City of Atlanta*, Fulton County Superior Court, Civil Action File No. 2012-CV-215858, in the amount of Two Hundred Seventy-Five Thousand Dollars (\$275,000.00) and to acquire the property identified as Parcel #91- Tax ID: 17-247-10-91-5; Parcel #79 - Tax ID: 17-247-10-79-0; and Parcel #48- Tax ID: 17-247-10-48-5 located at the East end of Mack Drive in the City of Atlanta, Fulton County, Georgia, 30318.

SECTION 2 The Chief Financial Officer is authorized to pay the amount of Two Hundred Seventy-Five Thousand Dollars (\$275,000.00) for the benefit of Southern Cross Financial, LLC. Said payment is to be charged, paid and issued as follows: \$275,000.00 from Fund 1001 (General Fund) Center Number 200101 (Non Departmental) Account 5212005 (Litigation Expenses) and 1512000 (Accounting); and 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 Parcel #91- Tax ID: 17-247-10-91-5; Parcel #79 - Tax ID: 17-247-10-79-0; and Parcel #48- Tax ID: 17-247-10-48-5 located at the East end of Mack Drive in the City of Atlanta, Fulton County, Georgia, 30318.