

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 1/24/2013

Action Requested By:
Police

Agenda Item Type
Resolution

Subject Matter:

Renewal of Lease Agreement with Lakewood Plaza Shopping Center for the North Precinct.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to enter into a Second Renewal and Extension of Lease Agreement between the City of Huntsville and Plazas, LLC, for the Huntsville Police Department's North Precinct.

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost: 106,590.00

Budgeted Item: Yes

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: *Reno Morris*

Date: 1/17/2013

ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: Police Council Meeting Date: 1/24/2013

Department Contact: Chief Lewis Morris Phone # 427-7001

Contract or Agreement: Renewal of Lease Agreement for Lakewood Plaza Shopping Center

Document Name: Renewal of Lease Agreement with Lakewood Plaza for the North Precinct

City Obligation Amount: 106,590.00

Total Project Budget:

Uncommitted Account Balance:

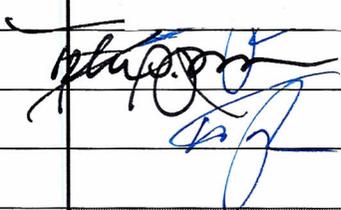
Account Number:

Procurement Agreements

Not Applicable	Not Applicable
-----------------------	-----------------------

Grant-Funded Agreements

Not Applicable	Grant Name: <input style="width: 90%;" type="text"/>
-----------------------	--

Department	Signature	Date
1) Originating		
2) Legal		1-17-13
3) Finance 		1/17
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

RESOLUTION NO. 13-_____

BE IT RESOLVD by the City Council of the City of Huntsville, Alabama, that the Mayor be, and he is hereby authorized to enter into a Second Renewal and Extension of Lease Agreement, by and between the City of Huntsville and Plazas, LLC, on behalf of the City of Huntsville, a municipal corporation in the State of Alabama, which said agreement is substantially in words and figures similar to that certain document attached hereto and identified as "Second Renewal and Extension of Lease Agreement between the City of Huntsville and Plazas, LLC," consisting of four (4) pages, and the date of January 24, 2013, appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, an executed copy of said document being permanently kept on file in the Office of the City Clerk-Treasurer of the City of Huntsville, Alabama.

ADOPTED this the 24th day of January, 2013.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the 24th day of January, 2013.

Mayor of the City of
Huntsville, Alabama

STATE OF ALABAMA)
COUNTY OF MADISON)

SECOND RENEWAL AND EXTENTION OF LEASE AGREEMENT BETWEEN CITY OF HUNTSVILLE AND PLAZAS, LLC, PREVIOUSLY ADOPTED BY RESOLUTION NO.99-353 ON APRIL 15, 1999 AND MODIFIED PURSUANT TO RESOLUTION 99-1010 ON NOVEMBER 23, 1999, AND RENEWED AND EXTENDED PURSUANT TO RESOLUTION NO. 10-153 ON FEBRUARY 25, 2010

SECOND RENEWAL AND EXTENSION OF LEASE AGREEMENT

THIS RENEWAL AND EXTENSION OF LEASE AGREEMENT is made and entered into on this 24th day of January, 2013, by and between **Plazas, LLC**, (hereinafter “Lessor”) and **the City of Huntsville, Alabama** (hereinafter “Lessee”).

WHEREAS, Memorial and Lakewood Plazas, a General Partnership, as Lessor, and the City of Huntsville, Alabama, as Lessee entered into that certain Lease Agreement on April 15, 1999, as amended November 23rd, 1999 for a term beginning January 1, 2000 and ending December 31st, 2009. The lease is comprised of office space at the Lakewood Plaza Shopping Center, 2105 Mastin Lake Road, Huntsville, Alabama 35810; and

WHEREAS, the parties entered into that certain Renewal and Extension of Lease Agreement on February 25th, 2010 substituting Plazas LLC as Lessor and extending the lease for a term beginning March 1st, 2010 and ending February 28th, 2013; and

WHEREAS, the parties desire to further renew and extend the said lease agreement and adjust the beginning and ending dates of the lease to coincide with the renewal term. The original Lease Agreement, the amendment to the said Lease Agreement, and the Renewal and Extension of Lease Agreement are attached hereto and incorporated herein as Exhibits “A”, “B”, and “C”.

THEREFORE, Lessor and Lessee hereby agree to amend the Lease Agreement as follows:

- 1) Subject to and upon the terms and conditions set forth herein, or in any Exhibit or Addendum hereto, this Lease shall be renewed for a term (hereinafter referred to as “Renewal Lease Term”) of twenty-four (24) months beginning on the first day of March, 2013 (hereinafter referred to as the “Commencement Date”) and ending on the last day of February, 2015, (hereinafter referred to as the “Lease Expiration Date”).

- 2) Lessee agrees to pay Lessor at such place as Lessor may designate without deduction, offset, prior notice or demand, and the Lessor agrees to accept as rent for the Leased Premises, the sum of One Hundred Six Thousand Five Hundred and Ninety and 00/100 Dollars (\$106,590.00) per annum. The monthly rental sum payable shall be \$8,888.50 during the renewal term of this lease, and the same amount being due on the first day of each month thereafter during the renewal term of this Lease.
- 3) Lessor grants to Lessee the right and option to renew this Lease on the same terms and conditions and the same rent in effect during the Renewal Lease Term for a period of twelve (12) months, which option term shall expire on the last day of February, 2015. The option may be exercised at any time up to sixty (60) days before the expiration of the Renewal Lease Term by the Lessee providing written notice to the Lessor, hand delivered or mailed by certified mail, return receipt requested, to the Lessor at the following address:
- 4) The terms and conditions of this lease amendment supersede all other terms under the original lease agreement (including amendments and renewals) that Lessor and Lessee have executed prior to its execution. All other terms and conditions of the original Lease Agreement, as amended herein remain unchanged and in full force and effect.

Agreed this 24th the day of January, 2013.

(LESSOR)
PLAZAS, LLC

Sylvia Lipp
Witness

Hall B. Bryant, Jr.
By: Hall B. Bryant, Jr.
Its: Manager

Sylvia Lipp
Witness

R. Thomas Beason
By: R. Thomas Beason
Its: Manager

Darlene Yates
Witness

Douglas C. Martinson
By: Douglas C. Martinson
Its: Manager

(LESSEE)
THE CITY OF HUNTSVILLE, ALABAMA

Witness: Charles E. Hagood
Clerk-Treasurer

By: Tommy Battle
Its: Mayor

STATE OF ALABAMA)
)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, is said State, hereby certify that Hall B. Bryant, Jr., R. Thomas Beason and Douglas C. Martinson, whose names as Managers of Plazas, LLC are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, in their capacity as such officers, executed the same with full authority for and as the act of said corporation on the day the same bears day.

GIVEN under my hand and official seal this the 24th day of January, 2013.



Sylvia Gigg
Notary Public
My Commission Expires: 2-10-2016

STATE OF ALABAMA)
)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, is said State, hereby certify that Tommy Battle and Charles E. Hagood, whose names as Mayor and City Clerk-Treasurer of the City of Huntsville are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, in their capacity as such officers, executed the same with full authority for an as the act of said corporation on the day the same bears day.

GIVEN under my hand and official seal this the 24th day of January, 2013.

Sylvia Gigg

Notary Public

My Commission Expires: 2-10-2016

