

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 2/14/2013

Action Requested By:
Engineering

Agenda Item Type
Resolution

Subject Matter:

Right-of-Entry Agreement

Exact Wording for the Agenda:

Resolution authorizing the Mayor to enter into a Right-of-Entry Agreement with Thompson Engineering, Inc. for Holmes Avenue and Pinhook Creek Bridge Improvements, Project No. 65-04-BR07

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.

Resolution provides right-of-entry approval to City owned property located at 525 Holmes Avenue NW for ALDOT contractor to perform soils sampling associated with the Holmes Avenue bridge project.

Associated Cost:

Budgeted Item: Select...

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: Kathy Martin

Date: 2/8/13

ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: **Engineering**

Council Meeting Date: **2/14/2013**

Department Contact: **Lynn Majors**

Phone # **256-427-5201**

Contract or Agreement: **Right of Entry**

Document Name: **Holmes Ave @ Pinhook Creek Project No. 65-04-BR07**

City Obligation Amount: **0**

Total Project Budget: **0**

Uncommitted Account Balance: **0**

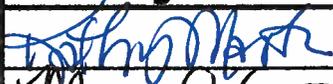
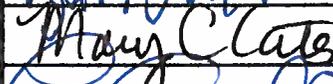
Account Number: **N/A**

Procurement Agreements

Not Applicable	Not Applicable
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Grant-Funded Agreements

Not Applicable	Grant Name:
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Department	Signature	Date
1) Originating		2/8/13
2) Legal		2/8/13
3) Finance		2/8/13
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

RESOLUTION NO. 13-_____

WHEREAS the City of Huntsville (CITY) desires to rebuild the bridge on Holmes Avenue at Pinhook Creek utilizing Alabama Department of Transportation (ALDOT) funding, and;

WHEREAS the City owns a parcel of land (the Property) located at 525 Holmes Avenue NW as shown on the attached Right-of-Entry agreement and the Property is adjacent to the Holmes Avenue Bridge right of way and within the limits of construction for the bridge, and;

WHEREAS, ALDOT has contracted with Thompson Engineering, Inc. to sample soils and perform survey work on ALDOT's behalf on the Property as part of the preconstruction process; and,

WHEREAS Thompson Engineering, Inc. has requested the City's permission to enter in and onto the Property; now,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Huntsville, Alabama that the Mayor be and is hereby authorized to enter into an Agreement with Thompson Engineering, Inc. 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 "Right-of-Entry Agreement", consisting of two (2) pages, and the date of February 14, 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 14th day of February, 2013.

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

APPROVED this the 14th day of February, 2013.

Mayor of the City of
Huntsville, Alabama

RIGHT-OF-ENTRY AGREEMENT

STATE OF ALABAMA

COUNTY OF Madison

The undersigned hereby certifies and warrants that he is the title owner or the authorized agent of said owner of the property described herein and the undersigned hereby authorizes Thompson Engineering, Inc., its successors and assigns, including its contractors and sub-contractors, the authority and permission to enter in and onto the premises located within the County of Madison, more commonly identified as:

Parcel No(s). A Former Service Station
Avenue. See attached location map.

Location: To the west of Pinhook Creek and on the south side of Holmes

The following work shall be performed at the property described above:

Ingress & egress and working area as necessary to sample soils and perform survey work within the proposed or existing right of way.

It is understood and agreed that any and all lands that are disturbed in the utilization of the rights hereby granted will be restored to a condition substantially the same as existed immediately prior to said disturbance. All rights hereby granted are temporary in nature and will be abandoned by the Engineer and will totally revert to the owners upon completion and acceptance of the Project by the State or twelve (12) months from the date hereof, whichever first occurs.

(Witness) (Date)

(Print Name)

Mailing Address _____

(Witness) (Date)

(Print Name)

Mailing Address _____

**Property Owner or
Property Owner's Authorized Agent**

(Signature) (Date)

(Print Name)

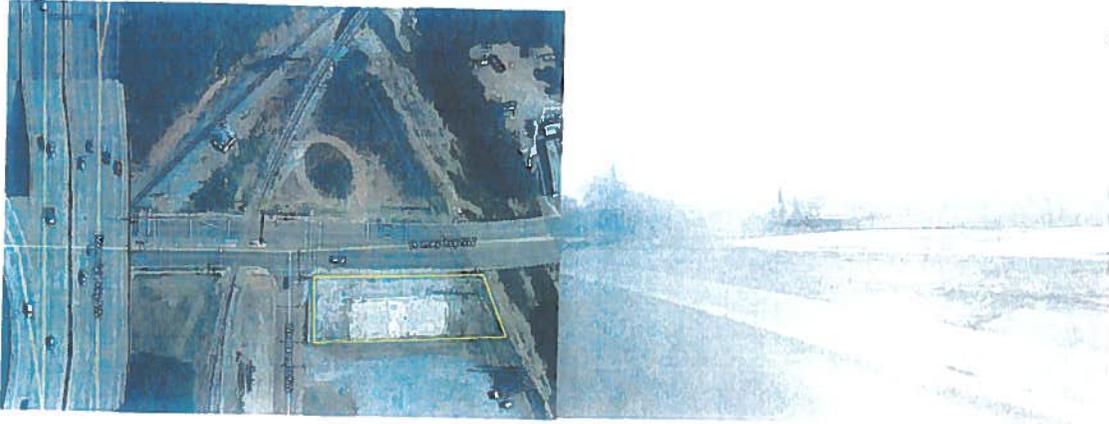
Telephone Number _____

Mailing Address _____

All calls should be directed to Thompson Engineering at (256) 460-5759 (Chris Gillentine, P.G.)

President of the City Council of the City
of Huntsville, AL
Date: February 14, 2013

- **Site #2 – Former Service Station:**



This site is currently abandoned but formerly operated as a service station and is located to the west of Pinhook Creek on the south side of Holmes Avenue in the city of Huntsville. The building, canopy, and pump islands have been removed. It is unknown if the USTs have been removed. There should be a maximum of 4 (*four*) borings placed within the proposed right-of-way and advanced to a depth of 12' bgs each. Each boring shall be composited in 4' increments for a maximum of 12 (*twelve*) samples, each sample shall be analyzed for constituents of concern in regards to subsurface investigations at former fueling facilities.

Property Owner: City of Huntsville P.O. Box 308 Huntsville, AL 35804	Facility Address: <i>Unknown</i> 34°43'47.02"N 86°35'42.27"W
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