

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 2/28/2013

Action Requested By:
Community
Development

Agenda Item Type
Resolution

Subject Matter:

Modification of Agreement between the City of Huntsville and Family Services Center, Inc., for HOME Investment Partnership Grant Fund.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to modify contract 10-494, June 24, 2010 with Family Services Inc., to extend contract completion date.

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.

The completion of homeownership and construction delays necessitated an extension of the schedule. We accomplished a lower construction cost while maintaining high energy efficiency and low maintenance requirements.

Associated Cost:

Budgeted Item: Yes

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: 

Date: 2/13/13

ROUTING SLIP
CONTRACTS AND AGREEMENTS

Originating Department: Community Development

Council Meeting Date: 2/28/2013

Department Contact: Ken Benion

Phone # 256-427-5427

Contract or Agreement: Contract

Document Name: Modification No. 2 to resolution No. 10-494

City Obligation Amount:

Total Project Budget:

Uncommitted Account Balance:

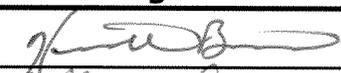
Account Number:

Procurement Agreements

<u>Select...</u>	<u>Select...</u>
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Grant-Funded Agreements

Federal HUD	Grant Name:
	<u>HOME Investment Partnership Grant</u>

Department	Signature	Date
1) Originating		<u>2/13/13</u>
2) Legal		<u>2/20/13</u>
3) Finance		<u>2/27</u>
4) Originating		
5) Copy Distribution		
a. Mayor's office (2 copies)		
b. Clerk-Treasurer (Original & 2 copies)		
c. Legal (1 copy)		

RESOLUTION NO. 13-_____

WHEREAS, the City of Huntsville, Alabama, received a grant under Title I of the Housing and Community Development Act of 1974, as amended, from the U.S. Department of Housing and Urban Development (HUD),

WHEREAS, the City and Family Services Center, Inc. entered into an agreement pursuant to Resolution No. 2010-494, which was amended pursuant to Resolution No. 11-627; and

WHEREAS, the City of Huntsville and Family Services Center, Inc. desire to further modify the said agreement to accurately reflect a revised performance schedule and the intention of the parties;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor of the City of Huntsville is hereby authorized, requested and directed to enter into Modification No. 2 to the Agreement between the City of Huntsville, Alabama and Family Services Center, Inc., as adopted by Resolution No. 10-494 on June 24, 2010 and amended by Modification #1 on August 25, 2011 for Home Investment Partnership funds., said modification being substantially similar in words and figures to that document identified as "Modification #2 to the Agreement between the City of Huntsville and Family Services Center for the 2007, 2008, 2009 HOME CHDO funds for Terry Heights Neighborhood" consisting of two (2) pages, and the date of February 28, 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.

ADOPTED this the 28th day of February, 2013.

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

ADOPTED this the 28th day of February, 2013.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA)

COUNTY OF MADISON)

Modification No. 2 to the Agreement Between the City of Huntsville and Family Services Center as adopted by Resolution No. 10-494 on June 24, 2010 and amended by Modification #1 on August 25, 2011 for Home Investment Partnership funds.

MODIFICATION #2 TO THE AGREEMENT BETWEEN THE CITY OF HUNTSVILLE, ALABAMA AND FAMILY SERVICES CENTER, INC. FOR THE 2007, 2008, 2009 HOME CHDO FUNDS FOR TERRYHEIGHTS NEIGHBORHOOD

THIS AGREEMENT entitled "Modification #2 to the Agreement between the City of Huntsville and Family Services Center for the 2007, 2008, 2009 HOME CHDO funds for Terry Heights Neighborhood" as referenced above and is entered into on this the 28th day of February, 2013, by and between the CITY OF HUNTSVILLE, Alabama (City) and FAMILY SERVICES CENTER (Developer), an Alabama non-profit organization.

WITNESSETH

WHEREAS, the parties entered into an agreement dated June 24, 2010 for the use of 2007, 2008, and 2009 HOME CHDO Funds for the Terry Heights Neighborhood; and

WHEREAS, the said Agreement was modified on August 25, 2011 pursuant to Resolution No. 11-627 of the City Council of the City of Huntsville; and

WHEREAS, the said modification amended certain Time of Performance dates for the Agency to complete certain obligations; and

WHEREAS, contrary to the intent of the parties, the Time of Performance for the Agency to complete all necessary documentation was not amended to correspond to other amended performance dates; and

**President of the City Council of the
City of Huntsville, Alabama
Date: February 28, 2013**

WHEREAS, the parties desire to further modify the Agreement to accurately reflect the intention and agreement of the parties.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree to modify the Agreement as follows:

1. PART I, Section IV, TIME OF PERFORMANCE, as modified shall be deleted in its entirety and replaced with the following:

“All activities utilizing HOME funds, other than monitoring activities which continue for the duration of the affordability periods, will be completed by December 31, 2012. All documentation shall be completed no later than March 31, 2013”

<u>Program Element</u>	<u>Deadline</u>
Execute contract for Project	June 24, 2014
Pre-construction Conference	August 2, 2010
Project Start Date	September 2, 2010
Construction Completion Date	December 31, 2012
Project Homeownership Sale Started	October 1, 2011
Project Home Ownership Completed	December 31, 2012
Monitoring Period	5-15 years for each home in accordance with the applicable affordability period as calculated per home sales.

2. All other terms and conditions of the original Agreement, as modified, remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have entered into this agreement, consisting of this page and one (2) preceding pages, on the 28th day of February, 2013.

THE CITY OF HUNTSVILLE, ALABAMA

ATTESTED:

By: _____

By: _____
Mayor Tommy Battle

Date: _____

ATTESTED:

**Family Services Center an Alabama
Non-Profit Corporation**

By: _____

By: _____

Date: _____

Its: _____