

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 3/28/2013

Action Requested By:
Landscape
Management

Agenda Item Type
Resolution

Subject Matter:

Modification No. 1 of the Agreement Between Alabama Dept of Transportation and City of Huntsville

Exact Wording for the Agenda:

Amendment to Resolution 13-103 authorizing the Mayor to enter into an agreement with the Alabama Department of Transportation for the cooperative maintenance of public right-of-way.

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

Item to be considered for: Introduction 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.

This amendment to the Agreement changes the geographic area covered by the Agreement

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: Joy H. McKee

Date: 3-21-13

ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: Landscape Management

Council Meeting Date: 3/28/2013

Department Contact: Joy McKee

Phone # 427-5048

Contract or Agreement: Modification No. 1 of the Agreement for Cooperative Maintenance of Public Ri...

Document Name: Modification No. 1 of the Agreement for Cooperative Maintenance of Public Right-of...

City Obligation Amount:

Total Project Budget: 100,000

Uncommitted Account Balance:

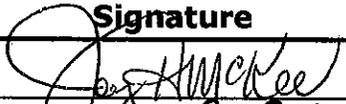
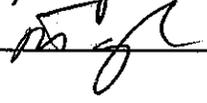
Account Number: 01-0000-3025-0000

Procurement Agreements

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

<u>Select...</u>	Grant Name:
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Department	Signature	Date
1) Originating		<u>3-21-13</u>
2) Legal		<u>3-21-13</u>
3) Finance		<u>3/23</u>
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

RESOLUTION NO. 13-_____

WHEREAS, as adopted and approved by Resolution No. 13-103 of the Huntsville City Council, the City Council authorized the Mayor to enter into an agreement with the Alabama Department of Transportation entitled "Agreement for Cooperative Maintenance of Public Right-of-Way Between the Alabama Department of Transportation and the City of Huntsville, Alabama"; and

WHEREAS, the Department of Transportation has not executed the said agreement and requires amendments to the said document prior to executing it; and

WHEREAS, the City of Huntsville has agreed to the said amendments and has revised the said document, which is attached hereto, accordingly; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Huntsville, Alabama that the Mayor be and he is hereby authorized to enter into an Agreement by and between the City of Huntsville and the Alabama Department of Transportation, 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 "Modification No. 1 to the Agreement Between the Alabama Department of Transportation and the City of Huntsville, Alabama for Cooperative Maintenance of Public Right-of-Way," consisting of three (3) pages plus exhibit pages, and the date of March 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, Alabama.

ADOPTED this the 28th day of March, 2013.

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

APPROVED this the 28th day of March, 2013.

Mayor of the City of
Huntsville, Alabama

STATE OF ALABAMA)
COUNTY OF MADISON)

Modification No. 1 to the Agreement Between the Alabama Department of Transportation and the City of Huntsville for Cooperative Maintenance of Public Right of Way dated February 14, 2013, adopted and approved by Resolution No. 13-103 of the City Council of the City of Huntsville

CONTRACT MODIFICATION NO. 1

THIS MODIFICATION No. 1 IS MADE TO THE AGREEMENT entitled "Agreement for Cooperative Maintenance of Public Right of Way Between the Alabama Department of Transportation and the City of Huntsville, Alabama" as referenced above and is entered into on this the 28th day of March, 2013, by and between the Alabama Department of Transportation, hereinafter referred to as DEPARTMENT, and the City of Huntsville, Alabama, hereinafter referred to as CITY.

WITNESSETH

WHEREAS, the parties previously entered into an Agreement for the maintenance of rights-of-way within the Huntsville city limits; and

WHEREAS, the parties mutually desire to modify the geographic area covered by the Agreement;

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. Section 15 of the Agreement shall be deleted and replaced in its entirety with the following as Section 15:

<u>AL</u>	<u>US</u>	<u>DESCRIPTION</u>	<u>MM BEGIN</u>	<u>MM END</u>
1	431 & 231/431	Governor's Drive & North Memorial Pkwy	325.287	341.647
2	72	University Drive & 72E	91.491	103.499
53	231	S.Parkway, Governor's Dr. & Jordan Lane	306.8	323.623
255	N/A	Research Park Blvd.	0.00	10.396

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

2. All other terms and conditions of the Agreement remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto cause this agreement to be executed by those officers, officials and persons thereunto duly authorized, and the agreement is deemed to be dated and to be effective on the date stated hereinafter as the date of the approval of the Governor of Alabama.

SEAL

ATTEST:

CITY OF HUNTSVILLE, AL

City Clerk (Signature)
Charles E. Hagood

Type name of Clerk

BY: _____
Mayor (Signature)
Tommy Battle

Type name of Mayor

APPROVED AS TO FORM:

BY: _____
Chief Counsel, Jim R. Ippolito, Jr.

RECOMMENDED FOR APPROVAL:

Division Engineer, Johnny L. Harris

Maintenance Engineer, George Connor, PE

Chief Engineer, D. W. Vaughn

STATE OF ALABAMA
ACTING BY AND THROUGH THE
ALABAMA DEPARTMENT OF
TRANSPORTATION

Transportation Director, John R. Cooper

