

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 5/23/2013

Action Requested By:
Legal

Agenda Item Type
Resolution

Subject Matter:

U.S. Army Right-of-Entry for offsite ground water monitoring.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to execute a Department of the Army Right-of-Entry for Survey and Exploration for offsite ground water monitoring.

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

Item to be considered for: Action

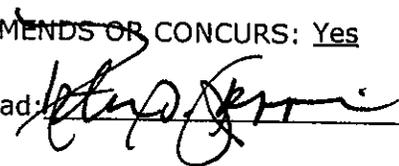
Unanimous Consent Required: No

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:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: 

Date: 5-15-13

RESOLUTION NO. 13-_____

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor is hereby authorized to execute a "Right-of-Entry For Survey and Exploration," on behalf of the City of Huntsville, a municipal corporation in the State of Alabama, which said document is substantially in words and figures similar to that certain document attached hereto and identified as a "Department of the Army Right-of-Entry For Survey and Exploration" for the Benefit of The United States of America, consisting of Three (3) pages including Exhibits A & B, and the date of May 23, 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 23rd day of May, 2013.

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

ADOPTED this the 23rd day of May, 2013.

Mayor of the City of
Huntsville, Alabama

**DEPARTMENT OF THE ARMY
RIGHT-OF-ENTRY FOR SURVEY AND EXPLORATION**

**Project: Offsite Groundwater Monitoring
Name: City of Huntsville, Alabama**

The undersigned, hereinafter called the "owner", hereby grants to the United States, hereinafter called the "Government", its employees, contractors, and subcontractors a permit or right-of-entry on the following terms and conditions:

1. The Owner hereby grants to the Government an irrevocable right, for a period of 24 months, beginning July 14, 2013 and ending July 13, 2015, to enter upon the property of City of Huntsville, Alabama, shown in yellow on Exhibit A in order to perform the scope of work described on Exhibit B.
2. All tools, equipment and other property taken upon or placed upon the land by the Government shall remain the property of the government and may be removed by the Government at any time within a reasonable period after the expiration of this permit or right-of-entry.
3. If any action of the Government's employees or agents in the exercise of this right-of-entry results in damage to the real property, the Government will, in its sole discretion, either repair such damage or make an appropriate settlement with the Owner. In no event shall such repair or settlement exceed the fair market value of the fee title to the real property at the time immediately preceding such damage. The Government's liability under this clause is subject to the availability of appropriations for such payment, and nothing contained in this agreement may be considered as implying that congress will at a later date appropriate funds sufficient to meet deficiencies. The provisions of this clause are without prejudice to any right the Owner may have to make a claim under applicable laws for any damages other than those provided for herein.

WITNESS MY HAND this _____ day of _____, 2013

ACCEPTED

UNITED STATES OF AMERICA

BY: _____
Willie L. Patterson III, Ed.D.
District Chief Real Estate
Real Estate Contracting Officer

Tommy Battle, Mayor
City of Huntsville, Alabama

President of the City Council
City of Huntsville, Alabama
Date: _____

EXHIBIT A



EXHIBIT "B"

I. Continued existence and additional sampling sites of groundwater monitoring wells to expand the groundwater monitoring network in accordance with U.S. Environmental Protection Agency and the Alabama Department of Environmental Management requirements.