ROUTING SLIP
CONTRACTS AND AGREEMENTS

Originating Department: **Legal** Council Meeting Date: **6/27/2013**

Department Contact: **Peter Joffrion** Phone # **427-5026**

Contract or Agreement: **Mod. 7 to SDA TIF5 Series 2012-B**

Document Name: **Modification No. 7 to the SDA LW Redstone, TIF5 Series 2012-B**

City Obligation Amount:

Total Project Budget:

Uncommitted Account Balance:

Account Number:

Procurement Agreements

Not Applicable	**Not Applicable**

Grant-Funded Agreements

Not Applicable	**Grant Name:**

Department	Signature	Date
1) Originating		6-26-13
2) Legal		6-26-13
3) Finance		
4) Originating		6-26-13
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

Revised 04/15/2011

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number_____

Meeting Type: Regular

Meeting Date: 6/27/2013

Action Requested By:
Legal

Agenda Item Type
Resolution

Subject Matter:

Modification No. 7 to SDA 2012-B

Exact Wording for the Agenda:

Resolution authorizing the Mayor to execute Modification No. 7 to Supplemental Development Agreement TIF5 Series 2012-B between the City of Huntsville and LW Redstone Company, LLC.

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: Yes

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head:_____

Date: 6/26/2013

revised 3/12/2012

RESOLUTION NO. 13-____

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 a Modification No. 7 to Supplemental Development Agreement by and between the City of Huntsville and LW Redstone Company, 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 "Modification No. 7 to Supplemental Development Agreement TIF5 Series 2012-B between the City of Huntsville and LW Redstone Company, LLC," consisting of two (2) pages and the date of June 27, 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 27th day of June, 2013.

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

APPROVED this the 27th day of June, 2013.

Mayor of the City of
Huntsville, Alabama

STATE OF ALABAMA)
COUNTY OF MADISON)

MODIFICATION No. 7 to SUPPLEMENTAL DEVELOPMENT AGREEMENT TIF5 – Series 2012-B TO ANNEXATION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF HUNTSVILLE AND LW REDSTONE COMPANY, LLC AS ADOPTED AND APPROVED BY RESOLUTION No. 12-428 ON MAY 24, 2012, AS MODIFIED BY RESOLUTION No. 12-479 on JUNE 14, 2012, RESOLUTION No. 12- 551 ON JUNE 28, 2012, RESOLUTION No. 12-648 on July 26, 2012, RESOLUTION No. 12-893 on October 11, 2012, RESOLUTION No. 12-1016 on November 15, 2012, and RESOLUTION No. 12-1079 on December 20, 2012

MODIFICATION No .7

Pursuant to Section 7.3 of the Annexation and Development Agreement dated March 25, 2010, ("Agreement") and as amended, between THE CITY OF HUNTSVILLE, ALABAMA, a municipal corporation organized and existing pursuant to the laws of the State of Alabama ("City") and L W REDSTONE COMPANY, LLC, a Delaware limited liability company ("Owner"), City and Owner enter into this Modification No. 7 to the Supplemental Development Agreement TIF5-Series 2012-B which was previously adopted and approved on May 24, 2012, modified on June 14, 2012, June 28, 2012, July 26, 2012, October 11, 2012, November 15, 2012 and December 20, 2012 and hereby provide more specifically for the obligations of City and Owner.

Modifications to Scope of Work and allocations within the $3,000,000 Maximum Amount of the prior Supplemental Development Agreement referenced above are as follows:

1. Within Section B. OWNER IMPROVEMENTS, add the following: From Account No. 05-6500-0811-4005 funding is budgeted in the amount of $ 13,654.00 for Modification No. 2 to the Agreement with LBYD, Inc. - Civil and Structural Engineers This modification is necessary due to a minor shift in a lake location to accommodate new development priorities of the Developer. This contract was previously awarded and amended resulting in a prior contract amount of $86,079.00. This modification No. 2 will increase the amount by $13,654.00 for a total revised contract amount of $ 99,733.00. Funds in the amount of $13,654.00 will be deducted from the Section B. category of this SDA subsection entitled ENGINEERING AND CONSTRUCTION COSTS TO BE DETERMINED to fund this contract award.

2. Within Section B. OWNER IMPROVEMENTS, the subsection entitled "ENGINEERING AND CONSTRUCTION COSTS TO BE DETERMINED," the amount of $154,148.21 allocated and budgeted for undefined engineering and construction costs is hereby decreased by $13,654.00 to $ 140,494.21.00.

All other terms and conditions of the SDA TIF5-SERIES 2012-B remain unchanged.

IN WITNESS WHEREOF, the Parties hereto have duly executed this Agreement.

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

("OWNER")
L W REDSTONE COMPANY, LLC

By:_____
Its:_____

STATE OF MARYLAND)
COUNTY OF HOWARD)

I, the undersigned, a Notary Public in and for said County and in said State, hereby certify that _____, as _____, of LW Redstone Company, LLC, a Delaware corporation, is signed to the foregoing document, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, (s)he, as such officer and with full authority, executed the same for and as the act of said corporation on the date the same bears date.

GIVEN under my hand and official seal this the _____ day of _____, 2013.

_____
Notary Public
(SEAL) My Commission Expires: _____

THE CITY OF HUNTSVILLE, ALABAMA,
A municipal corporation

By:_____
Tommy Battle
Its: Mayor

ATTEST:

_____
Charles E. Hagood
Clerk-Treasurer

STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a Notary Public in and for said County and in said State, hereby certify that Tommy Battle and Charles E. Hagood, as Mayor and City Clerk-Treasurer, respectively, of the City of Huntsville, Alabama, a municipal corporation, are signed to the foregoing document, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, as such officers and with full authority, executed the same for and as the act of said corporation on the date the same bears date.

GIVEN under my hand and official seal this the _____ day of _____, 2013.

_____
Notary Public
(SEAL) My Commission Expires: _____