

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number \_\_\_\_\_

Meeting Type: Regular

Meeting Date: 9/12/2013

Action Requested By:  
Legal

Agenda Item Type  
Resolution

Subject Matter:

A Wonderful Place, LLC DBA Sports Vision Restaurant.

Exact Wording for the Agenda:

Resolution authorizing the City Attorney to seek a forfeiture of the surety bond issued by Washington International Insurance Company.

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

Item to be considered for: Select...

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.

More than thirty (30) days have passed since the issuance of the Notice of Final Assessment to A Wonderful Place, LLC DBA Sports Vision Restaurant reflecting that A Wonderful Place, LLC DBA Sports Vision Restaurant is indebted to the City of Huntsville for past-due liquor and sales taxes, interest and penalties in the amount of 3,779.35 for the period in which said bond was in effect. A Wonderful Place, LLC DBA Sports Vision Restaurant has not responded to the Notice of Final Assessment.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head



Date: 9-9-13

**RESOLUTION NO. 13-\_\_\_\_\_**

**WHEREAS**, Washington International Insurance Company issued a surety bond in the amount of EIGHT THOUSAND AND 00/100 DOLLARS (\$8,000.00) for the payment of liquor and other taxes to A Wonderful Place, LLC DBA Sports Vision Restaurant.

**WHEREAS**, the Principal failed to pay taxes in the amount of THREE THOUSAND SEVEN HUNDRED SEVENTY NINE AND 35/100 DOLLARS (\$3,779.35) for the taxing period of June 2012 through January 2013; and

**WHEREAS**, the City Clerk-Treasurer's Office has made every possible effort to collect the taxes due from the Principal.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Huntsville, Alabama, that the City Attorney's Office is hereby authorized, requested, and directed to seek a forfeiture of the surety bond issued by Washington International Insurance Company; and

**BE IT FURTHER RESOLVED** by the City Council of the City of Huntsville, Alabama, that the Mayor, upon payment by Washington International Insurance Company and in accordance with its bond, is hereby authorized, requested, and directed to execute a release and assignment agreement substantially in words and figures as Attachment "A", 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 12th day of September, 2013.

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

**APPROVED** this the 12<sup>th</sup> day of September, 2013.

\_\_\_\_\_  
Mayor of the City of  
Huntsville, Alabama

**ATTACHMENT "A"**

KNOW ALL MEN BY THESE PRESENTS that the undersigned, for the sole consideration of THREE THOUSAND SEVEN HUNDRED SEVENTY NINE AND 35/100 DOLLARS (\$3,779.35) to be paid by Washington International Insurance Company from the bond of A Wonderful Place, LLC DBA Sports Vision Restaurant (Bond Number S915-1233), to the City of Huntsville, Alabama, releases and discharges Washington International Insurance Company from the obligation of the bond to the extent of THREE THOUSAND SEVEN HUNDRED SEVENTY NINE AND 35/100 DOLLARS (\$3,779.35) received for the taxing period of June 2012 through January 2013.

In further consideration of payment of THREE THOUSAND SEVEN HUNDRED SEVENTY NINE AND 35/100 DOLLARS (\$3,779.35) of the above noted bond, the City of Huntsville, Alabama, hereby assigns to Washington International Insurance Company any claim the City of Huntsville, Alabama, may have against A Wonderful Place, LLC DBA Sports Vision Restaurant, for delinquent or deficient taxes or license fees to the extent of the remitted amount of THREE THOUSAND SEVEN HUNDRED SEVENTY NINE AND 35/100 DOLLARS (\$3,779.35) for the taxing period of June 2012 through January 2013. The City of Huntsville, Alabama, retains any claim it may have against A Wonderful Place, LLC DBA Sports Vision Restaurant, for delinquent or deficient taxes or license fees greater than the amount of THREE THOUSAND SEVEN HUNDRED SEVENTY NINE AND 35/100 DOLLARS (\$3,779.35) received from Washington International Insurance Company for the taxing period of June 2012 through January 2013.

**IN WITNESS WHEREOF**, the City of Huntsville, Alabama, has caused this document to be executed by its duly sworn officer this the 12th day of September, 2013.

**CITY OF HUNTSVILLE, ALABAMA**

BY: \_\_\_\_\_  
Tommy Battle  
Its Mayor

ATTEST:

By: \_\_\_\_\_  
Charles E. Hagood  
Its Clerk -Treasurer