

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:

GMC, LLC DBA Watercress.

Exact Wording for the Agenda:

Resolution authorizing the City Attorney to seek a forfeiture of the surety bond issued by The Ohio Casuaity 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.

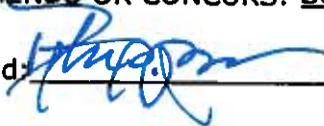
More than thirty (30) days have passed since the issuance of the Notice of Final Assessment to GMC, LLC DBA Watercress reflecting that GMC, LLC DBA Watercress is indebted to the City of Huntsville for past-due liquor and sales taxes, interest and penalties in the amount of \$8,256.61 for the period in which said bond was in effect. GMC, LLC DBA Watercress has not responded to the Notice of Final Assessment.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: _____



Date: _____

9-3-13

RESOLUTION NO. 13-_____

WHEREAS, The Ohio Casualty 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 GMC, LLC DBA Watercress.

WHEREAS, the Principal failed to pay taxes in the amount of EIGHT THOUSAND TWO HUNDERED FIFTY SIX AND 61/100 DOLLARS (\$8,256.61) for the taxing period of March 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 The Ohio Casualty Insurance Company; and

BE IT FURTHER RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor, upon payment by The Ohio Casualty 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 12th 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 EIGHT THOUSAND AND 00/100 DOLLARS (\$8,000.00) to be paid by The Ohio Casualty Insurance Company from the bond of GMC, LLC DBA Watercress (Bond Number 16047013), to the City of Huntsville, Alabama, releases and discharges The Ohio Casualty Insurance Company from the obligation of the bond to the extent of EIGHT THOUSAND AND 00/100 DOLLARS (\$8,000.00) received for the taxing period of March 2013.

In further consideration of payment of EIGHT THOUSAND AND 00/100 DOLLARS (\$8,000.00) of the above noted bond, the City of Huntsville, Alabama, hereby assigns to The Ohio Casualty Insurance Company any claim the City of Huntsville, Alabama, may have against GMC, LLC DBA Watercress, for delinquent or deficient taxes or license fees to the extent of the remitted amount of EIGHT THOUSAND AND 00/100 DOLLARS (\$8,000.00) for the taxing period of March 2013. The City of Huntsville, Alabama, retains any claim it may have against GMC, LLC, DBA Watercress, for delinquent or deficient taxes or license fees greater than the amount of EIGHT THOUSAND AND 00/100 DOLLARS (\$8,000.00) received from The Ohio Casualty Insurance Company for the taxing period of March 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