

CITY COUNCIL AGENDA ITEM COVER MEMO

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

Meeting Type: Regular

Meeting Date: 06/12/2014

Action Requested By: Legal

Agenda Type: Resolution

Subject Matter:

Modification Number 15 to SDA 2010-A

Exact Wording for the Agenda:

Resolution authorizing the Mayor to execute Modification No. 15 to the Supplemental Development Agreement 2010-A 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: Not Applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: *Mary C. Cates*

Date: Jun 11, 2014

## ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: Legal

Council Meeting Date: 6/12/2014

Department Contact: Peter Joffrion

Phone # 427-5026

Contract or Agreement: Mod 15 to SDA 2010-A

Document Name: Mod 15 to SDA 2010-A between City and LW Redstone

City Obligation Amount:

Total Project Budget:

Uncommitted Account Balance:

Account Number:

### Procurement Agreements

<b><u>Not Applicable</u></b>	<b><u>Not Applicable</u></b>
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### Grant-Funded Agreements

<b><u>Not Applicable</u></b>	<b>Grant Name:</b> <input style="width: 60%;" type="text"/>
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Department	Signature	Date
1) Originating	<i>Mary C Cates</i>	<i>6-11-14</i>
2) Legal	<i>Mary C Cates</i>	<i>6-11-14</i>
3) Finance	<i>[Signature]</i>	<i>6/11/14</i>
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

RESOLUTION NO. 14-\_\_\_\_\_

**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. 15 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. 15 to Supplemental Development Agreement TIF5 Series 2010-A between the City of Huntsville and LW Redstone Company, LLC," consisting of three (3) pages and the date of June 12, 2014, 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 12th day of June, 2014.

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

**APPROVED** this the 12th day of June, 2014.

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

STATE OF ALABAMA )  
COUNTY OF MADISON )

MODIFICATION NO. 15 TO THE  
SUPPLEMENTAL DEVELOPMENT AGREEMENT  
TIF5 – SERIES 2010-A TO ANNEXATION AND  
DEVELOPMENT AGREEMENT BETWEEN THE  
CITY OF HUNTSVILLE AND LW REDSTONE  
COMPANY, LLC AS ADOPTED AND APPROVED  
BY RESOLUTION NO. 10-581 ON JULY 22,  
2010 AND AS PREVIOUSLY AMENDED BY  
MODIFICATIONS NO. 1,2,3,4, 5, 6, 7, 8, 9,  
10, 11, 12, 13 & 14

**MODIFICATION No. 15**

Pursuant to Section 7.3 of the Annexation and Development Agreement dated March 25, 2010, (“Agreement”), 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. 15 to the Supplemental Development Agreement TIF5-Series 2010-A which was previously adopted and approved by Resolution No. 10-581 on July 22, 2010, amended by Resolution No. 10-891 on October 28, 2010, Resolution No. 12-647 on July 26, 2012, Resolution No. 12-1012 on November 15, 2012, Resolution No. 13-23 on January 10, 2013, Resolution No.13-125 on February 14, 2013, Resolution No. 13-177 on February 28, 2013, Resolution No. 13-198 on March 14, 2013, Resolution No. 13-366 on May 9, 2013, Resolution No. 13-497 on June 27, 2013, and Resolution No. 14-62 on January 23, 2014, Resolution No. 14-109 on February 13, 2014, Resolution No. 14-205 on March 13, 2014 and Resolution No. 14-263 on April 10, 2014 hereby provide more specifically for the obligations of City and Owner.

Modifications to Scope of Work and allocations within the \$10,000,000 Maximum Amount of the prior Supplemental Development Agreement referenced above are as follows:

1. **Within Section B. Owner Improvements**, add the following: The amount of \$61,080.00 from account number 05-6500-0813-1020 is budgeted and funded for the contract with LBYD, Inc., for engineering design services for the Rideout Road-ALDOT Improvements, Project No. 65-14-SP17. Specifically, to add an additional lane along Research Park Boulevard, from I-565 Overpass to Redstone

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

Gateway, approximately 800 feet, to include improvements associated with I-565 eastbound exit ramp to Research Park Boulevard.

2. **Within Section B. Owner Improvement**, the subsection entitled "ENGINEERING AND CONSTRUCTION COSTS TO BE DETERMINED", the amount of \$206,960.88 allocated and budgeted for undefined engineering and construction costs is hereby decreased by the amount of \$61,080.00 for a revised total of \$145,880.88.

All other terms and conditions of the SDA TIF5-SERIES 2010-A remain unchanged.

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

**("OWNER")**

**L W REDSTONE COMPANY, LLC**

Dated: \_\_\_\_\_, 2014

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 \_\_\_\_\_, 2014.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

(SEAL)

**("CITY")**  
**THE CITY OF HUNTSVILLE, ALABAMA,**  
A municipal corporation

Dated: \_\_\_\_\_, 2014

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 12th day of April, 2014.

(SEAL)

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_