

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: _____

Meeting Type: Regular

Meeting Date: Jun 26, 2014

Action Requested By: Legal

Agenda Type: Resolution

Subject Matter:

William Smothers D/B/A Improv.

Exact Wording for the Agenda:

Resolution authorizing the City Attorney to seek a forfeiture of the cash bond issued to William Smothers.

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

Item to be considered for: Action

Unanimous Consent Required: No

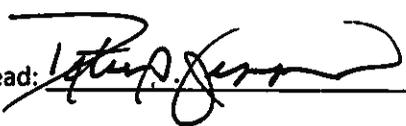
Briefly state why the action is required; why it is recommended; what council action will provide, allow and accomplish and; any other information that might be helpful.

More than thirty (30) days have passed since the issuance of the Notice of Final Assessment to William Smothers reflecting that William Smothers is indebted to the City of Huntsville for past-due liquor and sales taxes, interest and penalties in the amount of \$8,687.81 for the period in which said bond was in effect. William Smothers has not responded to the Notice of Final Assessment.

Associated Cost: _____

Budgeted Item: Not Applicable

MAYOR RECOMMENDS OR CONCURS: _____

Department Head:  _____

Date: 6-17-14

RESOLUTION NO. 14-_____

WHEREAS, on February 8, 2011, William Smothers, issued a cash bond to the City of Huntsville Clerk-Treasurer in the amount of EIGHT THOUSAND AND NO/100 DOLLARS (\$8,000.00) for the payment of liquor and other taxes;

WHEREAS, William Smothers, failed to pay taxes in the amount of EIGHT THOUSAND SIX HUNDRED EIGHTY SEVEN AND 81/100 DOLLARS (\$8,687.81) for the taxing period of September 2012 through March 2014, including penalty and interest; and

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

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 cash bond issued by William Smothers; and

BE IT FURTHER RESOLVED by the City Council of the City of Huntsville, Alabama, that the City of Huntsville Clerk-Treasurer be authorized to process the cash bond for payment to the City of Huntsville 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 _____ day of _____, 2014.

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

APPROVED this the _____ day of _____, 2014.

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 NO/100 DOLLARS (\$8,000.00) to be processed by the City of Huntsville, City Clerk-Treasurer from the cash bond of William Smothers, to the City of Huntsville, Alabama, releases and discharges William Smothers, from the obligation of the cash bond to the extent of EIGHT THOUSAND AND NO/100 DOLLARS (\$8,000.00) received for the taxing period of September 2012 through March 2014, including penalty and interest.

The City of Huntsville, Alabama, retains any claim it may have against William Smothers for delinquent or deficient taxes or license fees greater than the amount of EIGHT THOUSAND AND NO/100 DOLLARS (\$8,000.00) received from William Smothers for the taxing period of September 2012 through March 2014, including penalty and interest.

IN WITNESS WHEREOF, the City of Huntsville, Alabama, has caused this document to be executed by its duly sworn officer this the _____ day of _____, 2014.

CITY OF HUNTSVILLE, ALABAMA

BY: _____
Tommy Battle
Its Mayor

ATTEST:

By: _____
Charles E. Hagood
Its Clerk -Treasurer