

**CITY COUNCIL AGENDA ITEM COVER MEMO**

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

Meeting Type: Regular

Meeting Date: Aug 14, 2014

Action Requested By: Legal

Agenda Type: Resolution

**Subject Matter:**

Modification No. 16 to SDA TIF5 Series 2010-A with LW Redstone.

**Exact Wording for the Agenda:**

Resolution authorizing the Mayor to execute Modification No. 16 to the Supplemental Development Agreement TIF5 Series 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: Yes

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: \_\_\_\_\_

Date: Aug 11, 2014

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. 16 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. 16 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 August 14, 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 14th day of August, 2014.

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

APPROVED this the 14th day of August, 2014.

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

STATE OF ALABAMA )  
COUNTY OF MADISON )

MODIFICATION NO. 16 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, & 15

**MODIFICATION NO. 16**

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. 16 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, Resolution No. 14-263 on April 10, 2014, and Resolution No. 14-432 on June 12, 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 \$31,266.50 from Account No. 05-6500-0811-1022 is budgeted and funded for the contract with Garver, L.L.C. for Engineering Construction Administration, Survey and Stormwater Monitoring Services for Redstone Gateway, Project No. 65-14-SP46.
2. **Within Section B. Owner Improvements**, add the following: The amount of \$24,900.00 from Account No. 05-6500-0811-1023 is budgeted and funded for the contract with LBYD, Inc. for Engineering Construction Administration Services for Redstone Gateway, Phase –I Infrastructure Improvements Project No. 65-08-SP31.
3. **Within Section B. Owner Improvements**, add the following: The amount of \$1,500.00 from Account No. 05-6500-0811-1021 is budgeted and funded for the contract with LBYD, Inc. for Engineering Construction Administration Services for Redstone Gateway, Phase I-Infrastructure ADEM Permit Termination, Project No. 65-14-SP47.

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

LBYD will review and comment on ADEM Permit on Redstone Gateway and execute ADEM Notice of Termination.

- 4. Within Section B. Owner Improvement, the subsection entitled "ENGINEERING AND CONSTRUCTION COSTS TO BE DETERMINED", the amount of \$ 145,880.88 allocated and budgeted for undefined engineering and construction costs is hereby decreased by the amount of \$ 57,666.50 for a revised total of \$ 88,214.38.

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")

LW 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.

(SEAL)

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

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

Dated: August 14, 2014

By: \_\_\_\_\_  
Tommy Battle  
Its: Mayor

ATTEST:

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 14th day of August, 2014.

(SEAL)

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

## ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: Legal

Council Meeting Date: 8/14/2014

Department Contact: Peter Joffrion

Phone # 427-5026

Contract or Agreement: Mod. 16 to SDA TIF5 Series 2010-A

Document Name: Modification No. 16 to the SDA LW Redstone, TIF5 Series 2010-A

City Obligation Amount:

Total Project Budget:

Uncommitted Account Balance:

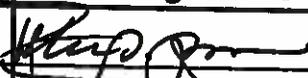
Account Number:

### Procurement Agreements

<b>Not Applicable</b>	<b>Not Applicable</b>
-----------------------	-----------------------

### Grant-Funded Agreements

<b>Not Applicable</b>	<b>Grant Name:</b>
-----------------------	--------------------

Department	Signature	Date
1) Originating		8-11-14
2) Legal		8-11-14
3) Finance <span style="float: left; margin-right: 10px;">AC</span>		8/12
4) Originating		8-11-14
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		