

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: _____

Meeting Type: Regular

Meeting Date: Jul 23, 2015

Action Requested By: Legal

Agenda Type: Resolution

Subject Matter:

Amendment I to the Real Estate Purchase Agreement with John William Procter for parcel of land regarding the Polaris facility.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to execute an Amendment I to Real Estate Purchase and Sales Agreement between the City of Huntsville and John William Procter.

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.

[Empty box for providing details on why the action is required, why it is recommended, what council action will provide, allow and accomplish, and any other helpful information.]

Associated Cost: _____

Budgeted Item: Yes

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: Mary Cates

Date: 7/17/2015

RESOLUTION NO. 15-_____

WHEREAS the City Council of the City of Huntsville, Alabama, does hereby declare that the Mayor be, and he is hereby authorized to enter into an Amendment I to Real Estate Purchase Agreement by and between the City of Huntsville and John William Procter, 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 "Amendment I to Real Estate Purchase Agreement by and between the City of Huntsville and John William Procter," consisting of two (2) pages, and the date of July 23, 2015, 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 23rd day of July, 2015.

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

APPROVED this the 23rd day of July, 2015.

Mayor of the City of
Huntsville, Alabama

07-16-2015

**AMENDMENT I
TO
REAL ESTATE PURCHASE AND SALES AGREEMENT**

THIS AMENDMENT is made and entered into on this the 16th day of July, 2015, by and between the CITY OF HUNTSVILLE, an Alabama public corporation ("Purchaser") and JOHN WILLIAM PROCTER, a married man ("Seller").

WHEREAS, on or about July 13, 2015, Seller signed a Real Estate Purchase and Sales Agreement ("the Agreement") to sell to Purchaser certain property located in Limestone County, Alabama and containing approximately 12.56 acres ("the Property"); and

WHEREAS, Purchaser will need additional time to get the required approvals to execute the Agreement; and

WHEREAS, the parties desire to amend a section of the Agreement in order to extend the time for executing the Agreement.

NOW THEREFORE, in consideration of the premises and the mutual covenants contained herein, the parties do hereby covenant and agree as follows:

I. Refer to Section 19 of the Agreement, delete in its entirety and substitute therefore the following:

19. Acceptance. In order to be binding, a copy of this Agreement, as amended, must be executed by both parties on or before 5:00 C.D.T., on August 17, 2015.

All other terms, conditions and provisions of the Agreement, not specifically amended by this Amendment, shall remain in full force and effect.

[Rest Of This Page Intentionally Left Blank]



IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the date first written above.

Purchaser:

THE CITY OF HUNTSVILLE

By: _____ (SEAL)

Its: _____

Attest:

By: _____

Its: _____

Seller:

By: John W. Procter (SEAL)

JOHN WILLIAM PROCTER

Witness:

By: Darlene K. Heskett
Darlene K. Heskett

ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: Legal

Council Meeting Date: 7/23/2015

Department Contact: Cissy Cates

Phone # 427-5026

Contract or Agreement: Amend I to Real Estate Purchase and Sale Agreement

Document Name: Amend I to Real Estate Purchase and Sale Agreement John W. Procter

City Obligation Amount:

Total Project Budget:

Uncommitted Account Balance:

Account Number:

Procurement Agreements

Not Applicable

Not Applicable

Grant-Funded Agreements

Not Applicable

Grant Name:

Department	Signature	Date
1) Originating	<i>Mary C. Cates</i>	<i>7/12/2015</i>
2) Legal	<i>Mary C. Cates</i>	<i>7/17/2015</i>
3) Finance		
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		