

# CITY COUNCIL AGENDA ITEM COVER MEMO

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

Meeting Type: Regular

Meeting Date: 8/27/2015

Action Requested By:  
Legal

Agenda Item Type  
Resolution

Subject Matter:

Burgett Hathaway Enterprises, Inc. d/b/a Partners Neighborhood Bar & Grille.

Exact Wording for the Agenda:

Resolution authorizing the City Attorney to seek a forfeiture of the surety bond issued by Hartford Fire Insurance Company.

**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 Burgett Hathaway Enterprises, Inc. d/b/a Partners Neighborhood Bar & Grille reflecting that Burgett Hathaway Enterprises, Inc. d/b/a Partners Neighborhood Bar & Grille is indebted to the City of Huntsville for past-due liquor and sales taxes, interest and penalties in the amount of \$8,000.00 for the period in which said bond was in effect. Burgett Hathaway Enterprises, Inc. d/b/a Partners Neighborhood Bar & Grille has not responded to the Notice of Final

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: 

Date: 8-11-15

RESOLUTION NO. 15-\_\_\_\_\_

**WHEREAS**, Hartford Fire 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 Partners Neighborhood Bar and Grille; and

**WHEREAS**, the Principal failed to pay taxes in the amount of EIGHT THOUSAND AND 00/100 DOLLARS (\$8,000.00) for the taxing period of October 2014 through February 2015 and interest through April 2015; 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 Hartford Fire Insurance Company; and

**BE IT FURTHER RESOLVED** by the City Council of the City of Huntsville, Alabama, that the Mayor, upon payment by Hartford Fire 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 27<sup>th</sup> day of August, 2015.

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

**APPROVED** this the 27<sup>th</sup> day of August, 2015.

\_\_\_\_\_  
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 Hartford Fire Insurance Company from the bond of Burgett Hathaway Enterprises, Inc. DBA Partners Neighborhood Bar & Grille (Bond Number 57BSBGT5546), to the City of Huntsville, Alabama, releases and discharges Hartford Fire 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 October 2014 through February 2015 and interest through April 2015.

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 Hartford Fire Insurance Company any claim the City of Huntsville, Alabama, may have against Burgett Hathaway Enterprises, Inc. DBA Partners Neighborhood Bar & Grille, 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 October 2014 through February 2015 and interest through April 2015. The City of Huntsville, Alabama, retains any claim it may have against Burgett Hathaway Enterprises, Inc. DBA Partners Neighborhood Bar & Grille for delinquent or deficient taxes or license fees greater than the amount of EIGHT THOUSAND AND 00/100 DOLLARS (\$8,000.00) received from Hartford Fire Insurance Company for the taxing period of October 2014 through February 2015 and interest through April 2015.

**IN WITNESS WHEREOF**, the City of Huntsville, Alabama, has caused this document to be executed by its duly sworn officer this the 27<sup>th</sup> day of August, 2015.

**CITY OF HUNTSVILLE, ALABAMA**

BY: \_\_\_\_\_  
Tommy Battle  
Its Mayor

ATTEST:

By: \_\_\_\_\_  
Charles E. Hagood  
Its Clerk -Treasurer