

**CITY COUNCIL AGENDA ITEM COVER MEMO**

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

Meeting Type: Regular

Meeting Date: Nov 5, 2015

Action Requested By: Planning

Agenda Type: Resolution

Subject Matter:

Agreement for Preliminary Engineering, Right of Way Acquisition, Utility and Construction Between the State of Alabama and the City of Huntsville

Exact Wording for the Agenda:

Resolution authorizing the Mayor to execute an agreement between the State of Alabama and the City of Huntsville regarding Preliminary Engineering, Right of Way Acquisition, Utility and Construction - Supplemental Agreement 1

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.

This supplemental agreement amends the initial agreement (effective May 21, 2014) by adding the following project: Alternate access road from Moores Mill Road into Chase Industrial Park. There will be no additional shared costs for the City of Huntsville. The City match shall remain \$125,000,000.

Associated Cost: \_\_\_\_\_

Budgeted Item: \_\_\_\_\_

MAYOR RECOMMENDS OR CONCURS: \_\_\_\_\_

Department Head: Murphy

Date: 10/28/15

ROUTING SLIP  
CONTRACTS AND AGREEMENTS

Originating Department: **Planning**

Council Meeting Date: 11/5/15

Department Contact: **Kimberly Gosa**

Phone # 427-5115

Contract or Agreement: **Agreement**

Document Name: **Agreement for Prelim. Engineering, Right of Way Acq., Utility and Construction-Supp...**

City Obligation Amount: **\$125,000,000**

Total Project Budget: **\$250,000,000**

Uncommitted Account Balance:

Account Number: **23-2265-0813-7109;**  
**Revenue Acct#23-2265-3098-7109**

**Procurement Agreements**

<b>Select...</b>	<b>Select...</b>
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**Grant-Funded Agreements**

<b>Select...</b>	<b>Grant Name:</b>
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Department	Signature	Date
1) Originating	<i>M. R...</i>	5/28/15
2) Legal	<i>Mary Clates</i>	5/29/15
3) Finance	<i>...</i>	6/3
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)	<i>...</i>	6/3/15
b. Clerk-Treasurer (Original & 2 copies)		

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

**BE IT RESOLVED** by the City Council of Huntsville, Alabama, that the Mayor be, and is hereby authorized to enter into an agreement with the State of Alabama, 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 "Agreement for Preliminary Engineering, Right-of-Way Acquisition, Utility and Construction Between the State of Alabama and the City of Huntsville; Supplemental Agreement Number 1" consisting of (five) 5 pages, and the date of November 5, 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 5th day of November, 2015

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

**APPROVED** this the 5th day of November, 2015

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

K-16-0079

15 OCT 18 9:38

**AGREEMENT  
FOR  
PRELIMINARY ENGINEERING, RIGHT-OF-WAY ACQUISITION,  
UTILITY AND CONSTRUCTION**

**BETWEEN THE STATE OF ALABAMA  
AND  
THE CITY OF HUNTSVILLE, ALABAMA**

**SUPPLEMENTAL AGREEMENT NUMBER 1**

THIS SUPPLEMENTAL AGREEMENT is made and entered into by and between the State of Alabama, acting by and through the Alabama Department of Transportation, hereinafter referred to as STATE; and the City of Huntsville, Alabama, hereinafter referred to as CITY.

WHEREAS, the STATE and CITY entered into a preliminary engineering, right-of-way acquisition, utility, and construction program for the following Projects listed in the original Agreement in the City of Huntsville, effective May 21, 2014, and

WHEREAS, the STATE and CITY desire to amend the Agreement entered onto on May 21, 2014, by execution of this Supplemental Agreement.

NOW, THEREFORE, the parties hereto, for, and in consideration of the premises stated herein do hereby mutually promise, stipulate, and agree that the foregoing Agreement between the parties dated May 21, 2014, be and the same is hereby amended in the following respects:

- (1) Page 5 (first item at top of page) of the foregoing Agreement has been amended to read as follows: Access management and intersection improvements on SR-53 (US-231) from Hobbs Island Road to south of Weatherly Road. The description has been changed to include the new project limits.

\_\_\_\_\_  
PRESIDENT OR PRESIDENT PRO  
TEM OF THE CITY COUNCIL OF  
HUNTSVILLE, ALABAMA

November 5, 2015

\_\_\_\_\_  
DATE

**South Memorial Parkway – Weatherly Road to Hobbs Road:** Access management and intersection improvements on SR-53 (US-231) from Hobbs Island Road to south of Weatherly Road.

Preliminary Engineering	Access management and intersection improvements on SR-53 (US-231) from Hobbs Island Road to south of Weatherly Road	Eligible toward Project cost
Right-of-Way	Access management and intersection improvements on SR-53 (US-231) from Hobbs Island Road to south of Weatherly Road	Eligible toward Project cost
Utility	Access management and intersection improvements on SR-53 (US-231) from Hobbs Island Road to south of Weatherly Road	Eligible toward Project cost
Construction	Access management and intersection improvements on SR-53 (US-231) from Hobbs Island Road to south of Weatherly Road	Eligible toward Project cost

- (2) Page 7 of the foregoing Agreement is hereby amended by adding the following Project to the Project listing which stops at the bottom of page 6 and continues at the top of page 7: Alternate access road from Moore’s Mill Road into Chase Industrial Park. This Project will be financed out of Huntsville’s \$125,000,000. This Project will constructed by the City of Huntsville.

**Alternate Access Road from Moore's Mill Road into for Chase Industrial Park:**

Preliminary Engineering	Alternate access road from Moore's Mill Road into Chase Industrial Park	Eligible toward Project cost
Right-of-Way	Alternate access road from Moore's Mill Road into Chase Industrial Park	Eligible toward Project cost
Utility	Alternate access road from Moore's Mill Road into Chase Industrial Park	Eligible toward Project cost
Construction	Alternate access road from Moore's Mil Road into Chase Industrial Park	Eligible toward Project cost

- (3) Page 10, paragraph 11 of the foregoing Agreement is hereby amended by substituting the following: This Agreement shall terminate on January 14, 2019, as to any work provided herein for which funding has not been authorized, unless otherwise terminated by either party upon the delivery of a thirty (30) day notice of termination. The CITY agrees that the STATE may unilaterally extend the time of the Agreement.
- (4) All other and remaining terms of the original Agreement dated May 21, 2014, shall remain the same.

IN WITNESS WHEREOF, the parties hereto cause this Agreement to be executed by those officers, officials and persons thereunto duly authorized, and the Agreement is deemed to be dated and to be effective on the date stated hereinafter as the date of the approval of the Governor of Alabama.

SEAL

ATTEST:

CITY OF HUNTSVILLE, ALABAMA

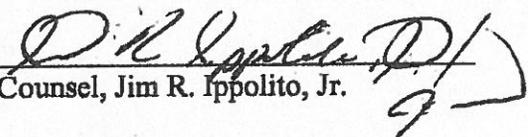
\_\_\_\_\_  
City Clerk (Signature)

BY: \_\_\_\_\_  
Mayor (Signature)

\_\_\_\_\_  
Type name of Clerk

\_\_\_\_\_  
Type name of Mayor

THIS AGREEMENT HAS BEEN LEGALLY REVIEWED AND APPROVED AS TO FORM AND CONTENT:

BY:   
Chief Counsel, Jim R. Ippolito, Jr.

RECOMMENDED FOR APPROVAL:

\_\_\_\_\_  
North Region Engineer, Johnny L. Harris, P.E./P.L.S.

\_\_\_\_\_  
Multimodal Transportation Engineer,  
Robert J. Jilla

\_\_\_\_\_  
Chief Engineer, Ronald L. Baldwin, P. E.

STATE OF ALABAMA  
ACTING BY AND THROUGH THE  
ALABAMA DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
Transportation Director, John R. Cooper

The foregoing agreement is hereby approved by the Governor of the State of Alabama this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
GOVERNOR OF ALABAMA, ROBERT BENTLEY

RESOLUTION NUMBER \_\_\_\_\_

BE IT RESOLVED, by the City Council of the City of Huntsville, Alabama as follows:

1. That the City enters into a Supplemental Agreement Number 1 with the State of Alabama, acting by and through the Alabama Department of Transportation amending an Agreement dated May 21, 2014, for:

The Projects listed in this Agreement are on pages 2-6 for the City of Huntsville; which Agreement is before this Council.

2. That the Agreement be executed in the name of the City, by its Mayor, for and on its behalf.
3. That the Agreement be attested by the City Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the Agreement by all parties, that a copy of such Agreement be kept on file by the City Clerk.

Passed, adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

ATTESTED:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
President, Huntsville City Council

\_\_\_\_\_  
Mayor

I, the undersigned qualified and acting clerk of the City of Huntsville, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution passed and adopted by the City Council of the City named therein, at a regular meeting of such Council held on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, and that such resolution is on file in the City Clerk's office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
City Clerk