

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: _____

Meeting Type: Regular

Meeting Date: Nov 19, 2015

Action Requested By: Administration

Agenda Type: Resolution

Subject Matter:

Cooperative Agreement regarding U.G. White Hardware.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to enter into a Cooperative Agreement among the City of Huntsville, Downtown Storage, LLC, U.G. White Hardware, LLC, and Washington Squares, LLC, for East Clinton Street Lighting Enhancements.

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: Not Applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: 

Date: 11/18/15

RESOLUTION NO. 15-_____

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 Cooperative Agreement by and among the City of Huntsville, Alabama, Downtown Storage, LLC, U.G. White Hardware, LLC, and Washington Squares, 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 "Cooperative Agreement among the City of Huntsville, Alabama, Downtown Storage, LLC, U.G. White Hardware, LLC, and Washington Squares, LLC, for East Clinton Street Lighting Enhancements," consisting of three (3) pages, and the date of November 19, 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 19th day of November, 2015.

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

APPROVED this the 19th day of November, 2015.

Mayor of the City of
Huntsville, Alabama

STATE OF ALABAMA)
COUNTY OF MADISON)

**COOPERATIVE AGREEMENT AMONG
THE CITY OF HUNTSVILLE,
DOWNTOWN STORAGE, LLC,
U. G. WHITE HARDWARE, LLC,
AND WASHINGTON SQUARES LLC,
FOR EAST CLINTON STREET LIGHTING ENHANCEMENTS**

AGREEMENT

THIS AGREEMENT is made and entered into on this 19th day of November , 2015, by and among the **City of Huntsville**, a municipal corporation in the State of Alabama, hereinafter referred to as "**CITY**", **DOWNTOWN STORAGE, LLC**, a domestic limited liability company, hereinafter referred to as "**DOWNTOWN STORAGE**", **U. G. WHITE HARDWARE, LLC**, a domestic limited liability company, hereinafter referred to as "**U. G. WHITE**", and **WASHINGTON SQUARES LLC**, hereinafter referred to as "**WASHINGTON SQUARES**" for the purposes of installing and maintaining lighting enhancements for Clinton Avenue East in downtown Huntsville, Alabama in the block between Jefferson Street and Washington Street.

WITNESSETH:

WHEREAS, the parties desire to jointly participate in an effort to provide lighting enhancements to downtown Huntsville's East Clinton Street, between Jefferson Street and Washington Street, to promote and improve the City's Downtown retail areas at night; and

WHEREAS, the Community Foundation of Huntsville/Madison County has donated money in the amount of **Nine Thousand Five Hundred Twenty Dollars (\$9,520.00)** to CITY for the specific purpose of providing funding for the purchase, installation and related power connection and supplies of the lighting enhancements to be strung over defined portion of Clinton Avenue East; and

WHEREAS, CITY has accepted the donation, by adoption of a separate ordinance on the same date as the adoption of this agreement, of such funds to be used for the stated purposes; and

WHEREAS, the parties desire that CITY, through its contractor, install and maintain certain light enhancements over the one block portion of Clinton Avenue East between Jefferson Street and Washington Street which are to be affixed to the City's Clinton Avenue Parking Garage and the properties owned by **DOWNTOWN STORAGE** at 100 Jefferson Street, **U. G. WHITE** at 115 Clinton Avenue East, and **WASHINGTON SQUARES** located at 105 Washington Street NE.

President of the City Council of the
City of Huntsville, Alabama
Date: _____

WHEREAS, DOWNTOWN STORAGE, U. G. WHITE , and WASHINGTON SQUARES desire to furnish an access license for the installation, and maintenance easement for light enhancements to be installed on the commercial real estate owned by said parties.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

A. The term of this agreement shall be for a five (5) year term which shall begin on November 5, 2015, and end on November 5 , 2020. The **CITY** shall have the unilateral right to renew the agreement for an additional five (5) year term by giving written notice of renewal to the other parties on or before the end of the original term.

B. **DOWNTOWN STORAGE, U. G. WHITE, and WASHINGTON SQUARES** each agree to provide as necessary an access license for the City or its Contractor to install (including affixing to their commercial property at the above stated locations on Clinton Avenue East) , maintain, and remove the LED light enhancements which are to be strung across Clinton Avenue East between the Clinton Avenue Parking Garage and the properties owned by the four parties.

C. CITY agrees to provide electrical power, installation and maintenance for the LED lighting enhancements. Lights will be installed with the necessary clearances and in accordance with all applicable laws, codes, rules, and regulations. Lights shall be LED light strands to be hung between the Clinton Avenue Garage across the street and anchored to the commercial buildings indicated above. Lights will be anchored with tapcon screws due to permanent mounting. Anchor points will be spaced approximately thirty (30) feet apart.

D. CITY agrees to remove the LED lighting enhancements and appurtenances at the end of the term of Agreement. The CITY reserves the right to remove the lights temporarily, reinstall, or permanently remove the lights during the term of this agreement or any renewal period, as determined necessary by the City's Mayor or designee. The CITY further reserves the right to terminate this Agreement at any time after the January 1, 2016 if the Mayor determines that to be in the best interest of the CITY.

E. **DOWNTOWN STORAGE, U. G. WHITE, and WASHINGTON SQUARES** each agree to hold the CITY harmless for any damage caused to their commercial properties due to the installation of the LED Lighting Enhancements. CITY agrees to require the contractor installing the lights to carry liability insurance and to name the commercial property owners as additional insureds on such insurance policies.

F. This Agreement shall be binding upon all parties including their successors in interest and shall survive any sale of any of the commercial properties.

G. This agreement is subject to and construed in accordance with the laws of the State of Alabama. Jurisdiction and venue for any actions to enforce the terms of this Agreement shall be in

Madison County, Alabama or the U.S. District Court of the Northern District of Alabama, Northeastern Division.

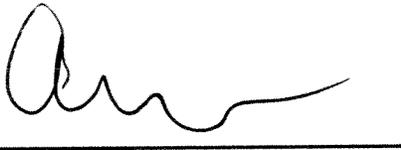
IN WITNESS WHEREOF, the parties hereto have executed this agreement on this the 19th day of November 2015.

CITY OF HUNTSVILLE, ALABAMA

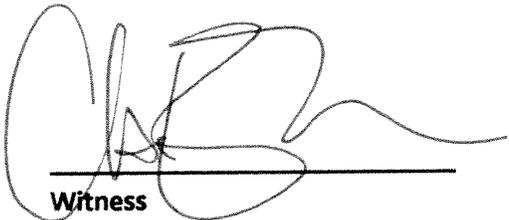
BY: _____
Tommy Battle
ITS: Mayor

ATTEST:

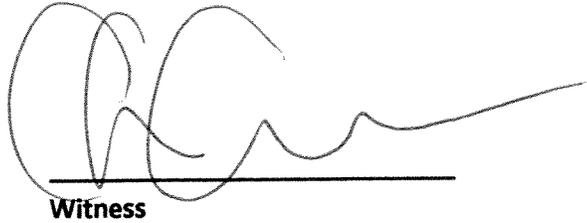
By: _____
Charles E. Hagood
Its: Clerk-Treasurer



Witness



Witness



Witness

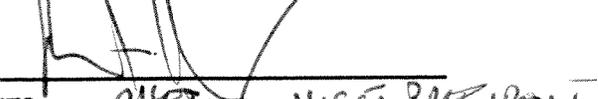
DOWNTOWN STORAGE, LLC


ITS: MANAGING MEMBER

U. G. WHITE HARDWARE, LLC


ITS: OWNER

WASHINGTON SQUARES LLC


ITS: CLERK VICE PRESIDENT

ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: Administration

Council Meeting Date: 11/19/2015

Department Contact: Tommy Battle

Phone # 427-5000

Contract or Agreement: Cooperative Agreement with U.G. White Hardware, et al.

Document Name: Cooperative Agreement with U.G. White Hardware, et al.

City Obligation Amount:

Total Project Budget:

~~\$9,250.00~~ \$9,520.00

Uncommitted Account Balance:

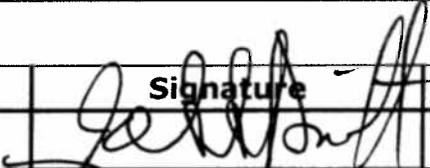
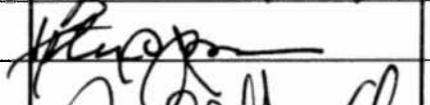
Account Number:

Procurement Agreements

Not Applicable	Not Applicable
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Grant-Funded Agreements

Not Applicable	Grant Name:
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Department	Signature	Date
1) Originating		
2) Legal		11-16-15
3) Finance		
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		