

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: _____

Meeting Type: Regular

Meeting Date: May 12, 2016

Action Requested By: General Services

Agenda Type: Resolution

Subject Matter:

Resolution authorizing the Mayor to pay Fowler Auction and Real Estate Service for payment due on a contract between the City and Fowler Auction and Real Estate Service.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to pay Fowler Auction and Real Estate Service for payment due on a contract between the City and Fowler Auction and Real Estate Service.

Note: If amendment, Please state title and number of the original

Item to be considered for: _____

Unanimous Consent Required: _____

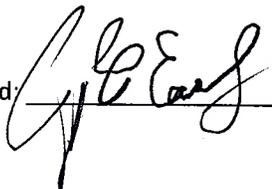
Briefly state why the action is required; why it is recommended; what council action will provide, allow and accomplish and; any other information that might be helpful.

Fowler Auction and Real Estate purchased a metal building from the City of Huntsville. (Resolution 10-222) Due to a conflict, the City was unable to convey the metal building to Fowler Auction. This resolution is to pay back Fowler Auction for the metal building.

Associated Cost: \$8000.00

Budgeted Item: _____

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: 

Date: 5/6/2016

ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: General Services

Council Meeting Date: 5/12/2016

Department Contact: Barry Crumrine

Phone # 256-427-5670

Contract or Agreement: Agreement between the City of Huntsville and Fowler Auction & Real Estate Se...

Document Name: Agreement between the City of Huntsville and Fowler Auction & Real Estate Service, L...

City Obligation Amount: 8,000.00

Total Project Budget:

Uncommitted Account Balance:

Account Number: 3020-71-00000-527000-PR8214XX

Procurement Agreements

Not Applicable	Not Applicable
-----------------------	-----------------------

Grant-Funded Agreements

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

Department	Signature	Date
1) Originating	<i>[Signature]</i>	<u>5/10/2016</u>
2) Legal	<i>Merry C Cates</i>	<u>5/10/2016</u>
3) Finance	<i>M Sargo</i>	<u>5-10-16</u>
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

RESOLUTION NO. 16-_____

WHEREAS, on March 25, 2010, pursuant to Resolution No. 10-22, the City Council of the City of Huntsville declared the pre-engineered metal building (the "Building") located at 70 Dallas Street, surplus and no longer needed for municipal purposes by the City; and

WHEREAS, in the said resolution, the City Council authorized the Mayor to enter into a Personal Property Auction Sales Contract with Fowler Auction and Real Estate Service, Inc. ("Fowler") to sell the Building at auction; and

WHEREAS, Fowler auctioned the Building on April 1, 2010, which resulted in the Building being sold for the sum of Eight Thousand Dollars (\$8,000.00); and

WHEREAS, Fowler subsequently received the sum of Eight Thousand Dollars (\$8,000.00) from the purchaser; and

WHEREAS, on April 8, 2010 Fowler presented a check to the City in the amount of Seven Thousand, Six Hundred Dollars (\$7,600.00), which represented the sale price of the Building less Fowler's previously agreed upon commission; and

WHEREAS, the City has failed to deliver the Building to the Purchaser because the Building was purchased with federal grant funds and cannot be sold due to restrictions placed upon the grant; and

WHEREAS, Fowler subsequently refunded the purchase price of Eight Thousand Dollars (\$8,000.00) to the purchaser; and

WHEREAS, Fowler has a potential claim for breach of contract against the City in the amount of Eight Thousand Dollars (\$8,000.00), based on the \$7,600.00 Fowler refunded to the purchaser and the \$400.00 Fowler was due as a commission pursuant to the contract;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor be, and he is hereby authorized to remit the sum of Eight Thousand Dollars (\$8,000.00) to Fowler Auction and Real Estate Service, which equals the amount Fowler was required to refund the purchaser plus the contractually agreed upon commission due to Fowler; and

ADOPTED this the _____ day of May, 2016.

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

APPROVED this the _____ day of May, 2016.

Mayor of the City of
Huntsville, Alabama