

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: _____

Meeting Type: Regular

Meeting Date: Nov 3, 2016

Action Requested By: Parks and Recreation

Agenda Type: Resolution

Subject Matter:

Resolution authorizing the Mayor to enter into a Contract Termination Agreement with Robertson Golf Management, Inc.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to enter into a Contract Termination Agreement with Robertson Golf Management, Inc.

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.

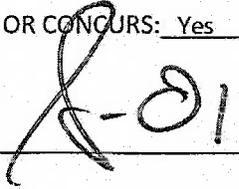
Resolution authorizing the Mayor to enter into a Contract Termination Agreement with Robertson Golf Management, Inc.

Associated Cost: N/A

Budgeted Item: Not Applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: _____



Date: 10-28-16

ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: Recreation Services

Council Meeting Date: 11/3/2016

Department Contact: Karen Lang

Phone # 256-564-8023

Contract or Agreement: Resolution authorizing the Mayor to enter into a Contract Termination Agree...

Document Name: Resolution authorizing the Mayor to enter into a Contract Termination Agreement wit...

City Obligation Amount: 0

Total Project Budget: 0

Uncommitted Account Balance: 0

Account Number: N/A

Procurement Agreements

<u>Not Applicable</u>	<u>Not Applicable</u>
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Grant-Funded Agreements

<u>Not Applicable</u>	Grant Name:
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Department	Signature	Date
1) Originating	<i>J. Lang</i>	10-28-16
2) Legal	<i>Mary Clates</i>	11-1-16
3) Finance	<i>M. Lang</i>	11-2-14
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

RESOLUTION NO. 16-_____

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 contract termination agreement with Robertson Golf Management, Inc., 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 "Contract Termination Agreement between the City of Huntsville and Robertson Golf Management, Inc.", consisting of three(3) pages, and the date of November 3, 2016, 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 3rd day of November, 2016.

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

APPROVED this the 3rd day of November, 2016.

Mayor of the City of
Huntsville, Alabama

**AGREEMENT TO TERMINATE GOLF
COURSE OPERATION AGREEMENT
BETWEEN THE CITY OF HUNTSVILLE
AND ROBERTSON GOLF MANAGEMENT, INC.**

STATE OF ALABAMA)
)
COUNTY OF MADISON)

**AGREEMENT TO TERMINATE GOLF
COURSE OPERATION AGREEMENT**

This Lease Termination Agreement is made and entered into on the 3rd day of November, 2016, by and between the City of Huntsville, a municipal corporation in the State of Alabama, hereinafter referred to as the "City" and Robertson Golf Management, Inc., an Alabama corporation, hereinafter referred to as "Robertson".

WHEREAS, the City and Robertson entered into a Golf Course Operation Agreement (hereinafter referred to as the "Operation Agreement") on March 14, 2013, which was adopted and approved by the City Council of the City of Huntsville pursuant to Resolution No. 13-175, a copy of which is attached hereto and incorporated herein by reference as Exhibit "A"; and

WHEREAS, the term of the Operation Agreement extends through February 28, 2018; and

WHEREAS, the parties mutually desire to terminate the Operation Agreement effective on January 1, 2017; and

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. Termination. The parties to this Agreement hereby individually and jointly agree that that certain "Golf Course Operation Agreement" executed on March 14, 2013 (the "Operation Agreement") shall be terminated as of January 1, 2017 upon Robertson's performance of the obligations set forth in Section 2 herein.

2. Robertson's Obligations. As conditions precedent to the termination of the Operation Agreement, Robertson shall complete the following obligations as set forth below:

President, Huntsville City Council
Date: 11/3/2016

- a) Operate and maintain the Becky Pierce Golf Course (the "Golf Course") through December 31, 2016 in the manner set forth in the Operation Agreement.
- b) Honor all previously sold 2016 passes through December 31, 2016.
- c) Vacate the Golf Course by January 1, 2017 and leave all buildings in broom clean condition.

3. City's Obligations. The City shall waive any amounts owed by Robertson pursuant to Section 6 of the Operation Agreement. The City does not waive any license fees, sales or other taxes owed by Robertson to the City.

4. City Not Liable for Robertson's General Indebtedness. This agreement shall not create any liability on the part of the City for any debt or obligation of Robertson except as specifically set forth in Sections Two and Three herein.

5. No Privity of Contract with Third Parties. Nothing contained in this Agreement shall create, or be interpreted to create, privity or any other contractual agreement between the City and person or entity other than Robertson.

6. Choice of Law. This agreement shall be governed by the laws of the State of Alabama. Venue of any action to enforce the terms of this agreement shall be in the Circuit Court of Madison County, Alabama or the United States District Court for the Northern District of Alabama, Northeastern Division.

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year first above written.

ROBERTSON GOLF MANAGEMENT INC.

Attest:

By : _____

Its: _____

CITY OF HUNTSVILLE

a municipal corporation in the State of Alabama

Attest:

Kenneth Benion

Its: Clerk-Treasurer

By: _____

Tommy Battle

Its: Mayor