



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 4/25/2024

File ID: TMP-4139

Department: Administration

Subject:

Type of Action: Approval/Action

Resolution authorizing the Mayor to enter into Modification No. 1 to the Lease Agreement Between the City of Huntsville and NSH Nextco, LLC.

Resolution No.

Finance Information:

Account Number: N/A

City Cost Amount: \$ N/A

Total Cost: \$ N/A

Special Circumstances:

Grant Funded: \$ N/A

Grant Title - CFDA or granting Agency: N/A

Resolution #: N/A

Location: (list below)

Address: N/A

District: District 1 ☐ District 2 ☐ District 3 ☐ District 4 ☐ District 5 ☐

Additional Comments: N/A

RESOLUTION NO. 24-____

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor be, is hereby authorized to enter into Modification No. 1 to the Lease Agreement between the City of Huntsville and NSH Nextco, 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 "Modification No. 1 to the Lease Agreement between the City of Huntsville and NSH Nextco, LLC." consisting of two (2) pages and the date of April 25, 2024, 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 of the City of Huntsville, Alabama.

ADOPTED this the 25th day of April, 2024.

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

APPROVED this the 25th day of April, 2024.

Mayor of the City of
Huntsville, Alabama

Modification No. 1 to Lease Agreement
Between the City of Huntsville and NSH
NEXTCO, LLC as adopted and approved
pursuant to Resolution No. 23-20

MODIFICATION NO. 1 TO LEASE AGREEMENT

This Modification No. 1 to Lease Agreement (this “Modification”) is made and entered into on the 25th day of April, 2024, by and between the **City of Huntsville**, a municipal corporation within the State of Alabama, hereinafter referred to as the “City ” and **NSH Nextco, LLC**, a Tennessee limited liability company, hereinafter referred to as “NSH”.

WITNESSETH:

WHEREAS, the parties entered into a Lease Agreement on January 12, 2023 wherein the City granted NSH the right to utilize the City’s John Hunt Park Championship Complex for use as the practice facility for the Huntsville City Football Club professional soccer team; and

WHEREAS, the said Lease was for an initial term of one year, commencing on January 1, 2023 and continuing through December 31, 2023, with NSH having the option to renew the lease for two additional one-year terms; and

WHEREAS, the said Lease Agreement was adopted and approved by the City Council of the City of Huntsville pursuant to Resolution No. 23-20; and

WHEREAS, the parties desire to modify the terms and conditions of the lease to grant NSH options for two additional one-year terms.

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 to modify the Lease Agreement as follows:

1. Section 2 of the Lease Agreement is deleted in its entirety and replaced with the following:

The initial term of this Lease Agreement shall be one (1) year, commencing on January 1, 2023 and continuing through December 31, 2023. NSH Nextco shall have the option to renew this Lease Agreement for four (4) separate one-year periods upon providing written notice to the City at least 30-days prior to the end of the then current term. Notwithstanding anything herein to the contrary, NSH Nextco may terminate this Lease Agreement without penalty at any time by providing the City 30 days' notice of its intent to terminate.

2. All other terms of the Lease Agreement remain unchanged and in full force and effect.

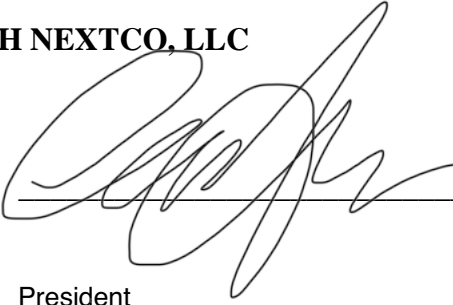
IN WITNESS WHEREOF, the parties hereunto entered into this Modification agreement on the day first written above.

THE CITY OF HUNTSVILLE

Attest: _____
Shaundrika Edwards
Its: City Clerk

By: _____
Tommy Battle
Its: Mayor

NSH NEXTCO, LLC

By:  _____
Its: President