



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 5/8/2025

File ID: TMP-5480

Department: Water Pollution Control

Subject:

Type of Action: Approval/Action

Resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Three-11 Properties, LLC for Agreement to Renew Tower Lease Agreement.

Resolution No.

Finance Information:

Account Number: 6000-76-76100-515370-00000000

City Cost Amount: \$6,300 annually

Total Cost: \$31,500

Special Circumstances: N/A

Grant Funded: N/A

Grant Title - CFDA or granting Agency: N/A

Resolution #: N/A

Location: (list below) N/A

Address: N/A

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

Additional Comments:

RESOLUTION NO. 25-_____

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 the Agreement to Renew Tower Lease Agreement by and between the City of Huntsville and Three-11 Properties, 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 a "Agreement to Renew Tower Lease Agreement," consisting of three (3) pages, and the date of May 8, 2025, 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 8th day of May, 2025

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

APPROVED this the 8th day of May, 2025

Mayor of the City of Huntsville,
Alabama

AGREEMENT TO RENEW TOWER
LEASE AGREEMENT BETWEEN
THREE-11 PROPERTIES, LLC
AND THE CITY OF HUNTSVILLE

AGREEMENT TO RENEW TOWER LEASE AGREEMENT

This Agreement to Renew Tower Lease Agreement (this "Renewal") is made effective as of the 8th day of May, 2025 by and between THREE-11 PROPERTIES, LLC (Landlord), an Alabama limited liability company, and the CITY OF HUNTSVILLE, ALABAMA, (Tenant) a municipal corporation within the State of Alabama (the "City").

WITNESSETH

WHEREAS, William H. Johnston d/b/a Capshaw Tower and the City of Huntsville entered into that certain Tower Lease Agreement on June 11, 2020 (the "Lease") pursuant to Resolution No. 20-507 of the Huntsville City Council, with a term commencing on June 11, 2020 and continuing through May 31, 2025 with the Tennant having the option to renew for an additional five-year terms at a 5% increase in rent over the previous term; and

WHEREAS, Three-11 Properties, LLC assumed the rights and obligations of William H. Johnston d/b/a Capshaw Tower pursuant to an agreement between Three-11 and the City dated June 24, 2021, adopted and approved by the Huntsville City Council pursuant to Resolution No. 21-575; and

WHEREAS, Tenant desires to exercise its option to renew the Tower Lease Agreement for an additional five-year term; and

WHEREAS, the parties desire to adjust the rental rate for the renewal term(s).

NOW THEREFORE, in consideration of the foregoing facts and circumstances, the mutual covenants and promises contained herein and other good and valuable consideration, the receipt and sufficiency of which is acknowledged by each of the parties, the parties do hereby agree to the following:

1. The Lease is extended for an additional five-year term commencing on June 1, 2025 and continuing through May 31, 2030.
2. The rental rate for the renewal term shall be SIX THOUSAND THREE HUNDRED DOLLARS AND 00/100 (\$6,300.00) per year
3. All other terms and conditions of the Tower Lease Agreement remain unchanged and in full force and effect.

[Signatures follow on the next page.]

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

THREE-11 PROPERTIES, LLC

By: _____
Its:

WITNESS:

By: _____
Its:

**THE CITY OF HUNTSVILLE,
ALABAMA**

Tommy Battle, Mayor
City of Huntsville, Alabama

ATTEST:

Shaundrika Edwards, City Clerk
City of Huntsville, Alabama

STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Tommy Battle and Shaundrika Edwards, whose names as Mayor and City Clerk of The City of Huntsville, a municipal corporation in the State of Alabama are signed to the foregoing agreement, and who are known to me, acknowledged before me on this day that, being informed of the contents of the agreement, they, in their capacity as such officers, executed the same voluntarily for and as the act of said corporation on the day the same bears day.

GIVEN under my hand and official seal this the ____ day of _____, 2025.

Notary Public

STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that _____ and _____, whose names as _____ and _____ of Three-11 Properties, LLC an Alabama limited liability company, are signed to the foregoing agreement, and who are known to me, acknowledged before me on this day that, being informed of the contents of the agreement, they, in their capacities as such officers, executed the same voluntarily for and as the act of said corporation on the day the same bears day.

GIVEN under my hand and official seal this the ____ day of _____, 2025.

Notary Public