



# Huntsville, Alabama

308 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

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**Meeting Type:** City Council Regular Meeting **Meeting Date:** 1/26/2023

**File ID:** TMP-2485

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**Department:** General Services

**Subject:**

**Type of Action:** Approval/Action

Resolution authorizing the Mayor to enter into an Agreement between the City of Huntsville and The Madison County Veterans Memorial Foundation, Inc., for the installation and maintenance of the Veterans Memorial Park Flag Addition and Alteration Project.

Resolution No.

**Does this item need to be published?** No

If yes, please list preferred date(s) of publication: \_\_\_\_\_

**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:**

The Foundation will fund, install and furnish an additional flagpole to recognize the recently created United States Space Force Armed Services branch. The Foundation will remove one flagpole and install two new

flagpoles and concrete flagpole footings with limestone caps at Veterans Park in a location determined by the Huntsville City Director of General Services. The Foundation will be responsible for all direct costs associated with the construction and installation of the project.

**RESOLUTION NO. 23-\_\_\_\_\_**

**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 an agreement between the City of Huntsville and The Madison County Veterans Memorial Foundation, for the installation and maintenance of the Veterans Memorial Park Flag Addition and Alteration Project located adjacent to Interstate 565, Huntsville, Alabama 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 the certain document attached hereto and identified as “Agreement between the City of Huntsville and the Madison County Veterans Memorial Foundation, Inc., for the Installation and Maintenance of the Veterans Memorial Park Flag Addition and Alteration Project,” consisting of four (4) pages, together with the signature of the City Council President and 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 26th day of January, 2023.

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

**APPROVED** this the 26th day of January, 2023.

\_\_\_\_\_  
Mayor of the City of Huntsville,  
Alabama

**AGREEMENT BETWEEN THE CITY OF  
HUNTSVILLE AND THE MADISON COUNTY  
VETERANS MEMORIAL FOUNDATION, INC. FOR  
THE INSTALLATION AND MAINTENANCE OF  
THE VETERANS MEMORIAL PARK FLAG  
ADDITION AND ALTERATION PROJECT**

STATE OF ALABAMA                    )  
  )  
COUNTY OF MADISON                )

**AGREEMENT**

**THIS AGREEMENT** is made and entered into on this 26<sup>th</sup> day of January, 2023, by and between the City of Huntsville, Alabama, a municipal corporation within the State of Alabama (hereinafter the “City”), and the Madison County Veterans Memorial Foundation, Inc., an Alabama non-profit corporation (hereinafter the “Foundation”)

**WHEREAS**, the City Council of the City of Huntsville, Alabama designated the area of downtown Huntsville adjacent to Interstate 565, and bounded by the Historic Huntsville Depot, Monroe Street and the access roads to Interstate 565 as “Veterans Park” by Resolution No. 04-190; and

**WHEREAS**, the Foundation has previously funded, installed and furnished the Veterans Memorial in Veterans Park; and

**WHEREAS**, the Foundation desires to fund, install and furnish an additional flagpole to recognize the recently created United States Space Force Armed Services branch; and

**WHEREAS**, the installation of the said flagpole will be beneficial to both the Foundation and the City; and

**WHEREAS**, the City Council hereby approves of the installation of the Space Force flagpole as part of the Veterans Memorial Park Flag Addition & Alterations project;

**NOW, THEREFORE, FOR AND IN CONSIDERATION** of the mutual covenants and agreements contained herein, and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, the City, and the Foundation agree as follows:

1. The Foundation will remove one flagpole and install two new flagpoles, concrete flagpole footings with limestone caps at Veterans Park in a location determined by the City's Director of General Services. The location and design of the flagpoles will be as depicted in drawings attached hereto collectively as Exhibit "A". All ownership rights to design belong to the City.

2. The Foundation will enter into a contract with a Contractor approved by the City's General Services Director for engineering, construction and installation of the Project. The said contract will contain provisions requiring the Contractor to indemnify the City and to provide general liability insurance that includes the City and its employees and elected officials as additional insureds. The said contract must be approved by the City Attorney prior to the Foundation executing it.

3. The Foundation shall be responsible for all direct costs associated with the construction and installation of the Project. The Contractor will be responsible for repairing any existing concrete, electrical, irrigation and landscaping that is damaged as a result of the Contractor's construction activities on site. The City will assist with the coordination of the construction and installation of the Project and will be responsible for relocating the spot lighting to provide lighting for the new layout.

4. The Contractor's work is subject to the approval of the Director of General Services. Installation shall be complete when the Project is accepted by the City.

5. The City grants the Contractor a license to enter upon Veterans Park for the sole purpose of removing one flagpole and installing two new flagpoles, foundations and limestone caps.

6. The Project, including all flagpoles, foundations and other structures, shall become property of the City upon completion.

7. The City shall be responsible for the general maintenance and upkeep of the Project after the City accepts the completed Project. As with other areas of the Veterans Park, the Foundation will be responsible for installation, additions, record-keeping and related tasks associated with any engraved plaques used within the extents of the Monument.

8. This Contract shall be interpreted, construed and enforced in accordance with the laws of the State of Alabama. For any action concerning this Contract and/or the Property (a) jurisdiction shall be in the appropriate state or federal courts sitting in Alabama and (b) venue (i) in Alabama state courts shall be in Madison County, Alabama and (ii) in Alabama federal courts shall be in the United States District Court for the Northern District of Alabama, Northeastern Division.

9. Entire Agreement: This Agreement, including all exhibits and attachments, embodies the entire agreement and understanding of the City and the Foundation as to the matters set forth herein and merges herein all agreements, covenants, representation, statements and understandings heretofore made by and between the City and the Foundation.

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

Attest:

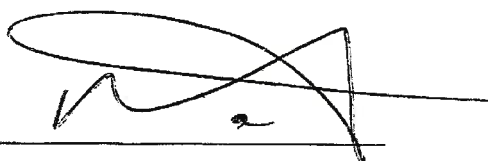
\_\_\_\_\_  
Kenneth Benion  
Its: Clerk-Treasurer

**CITY OF HUNTSVILLE**  
a municipal corporation  
in the State of Alabama

By: \_\_\_\_\_  
Tommy Battle  
Its: Mayor

Witness

R. A. Droler

By: \_\_\_\_\_  


R. A. Droler  
1/11/2023

EXHIBIT A

