



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 10/12/2023

File ID: 2023-799

Department: Public Works

Subject:

Type of Action: Approval/Action

Resolution authorizing the Mayor to enter into a Memorandum of Agreement between the City of Huntsville Alabama and Huntsville Utilities.

Type of Document: Resolution No.

Finance Information:

Account Number: 3020-55-00000-516020-0000000

City Cost Amount: \$127,724.24

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: Marsheutz, Poincianna, Brandon and Rhett Streets

District: District 1 ☒ District 2 ☒ District 3 ☒ District 4 ☒ District 5 ☒

Additional Comments:

Reimbursement for paving repairs.

RESOLUTION NO. 23-861

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 Memorandum of Agreement by and between the City of Huntsville and Huntsville Utilities, on behalf of the City of Huntsville, a municipal corporation of the State of Alabama, which said Memorandum of Agreement is substantially in words and figures as that certain document attached hereto as identified as “Memorandum of Agreement by and between the City of Huntsville and Huntsville Utilities.” consisting of two (2) pages, and the date of October 12, 2023, appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, and an executed copy of said document after being permanently kept on file in the Office of the City Clerk of the City of Huntsville, Alabama.

ADOPTED this the 12th day of October, 2023.

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

APPROVED this the 12th day of October, 2023.

Mayor of the City of Huntsville,
Alabama

**MEMORANDUM OF AGREEMENT
BETWEEN THE CITY OF HUNTSVILLE,
ALABAMA AND THE CITY OF
HUNTSVILLE d/b/a HUNTSVILLE
UTILITIES**

STATE OF ALABAMA

COUNTY OF MADISON

MEMORANDUM OF AGREEMENT

THIS AGREEMENT, made and entered into this 12th day of October, 2023, by and between the City of Huntsville, a municipal corporation in the State of Alabama, hereinafter referred to as the “City” and the City of Huntsville d/b/a Huntsville Utilities, hereinafter referred to as “HU”.

WITNESSETH:

WHEREAS, HU recently completed utility improvements on Marsheutz, Poincianna, Brandon and Rhett Streets in the City; and,

WHEREAS, it was necessary for HU’s contractor to excavate areas on these public streets parallel to the curb and gutter measuring 3 feet wide and 4 feet deep in order to complete improvements on water mains; and,

WHEREAS, the City had Rogers Group, Inc. repair the street damage caused by the excavation at the rate set forth in the City’s periodic bid with Rogers Group, Inc.; and,

WHEREAS, HU has agreed to reimburse the City for the cost of the repairs performed by Rogers Group, Inc.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

1. The repairs performed on Marsheutz, Poincianna, Brandon and Rhett Streets by Rogers Group, Inc. were necessary due to the water main improvements carried out on behalf of HU.

2. The cost of the said repairs was \$127,724.24 determined through rates established by a competitive bid process.

President the City Council of
the City of Huntsville, Alabama
Date: 10/12/2023

3. The City agrees to pay \$127,724.24 to Rogers Group, Inc., and HU agrees to pay to the City the amount of \$127,724.24 as reimbursement for the said payment to Rogers Group, Inc.

4. HU will pay this amount to the City within thirty (30) days of the execution of this Memorandum of Agreement by both parties.

5. This Agreement supersedes all prior agreements, understandings, representations, warranties, requests for proposal and negotiations, if any.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on this the 12th day of October 2023.

CITY OF HUNTSVILLE, ALABAMA

BY: _____

Tommy Battle

ITS: Mayor

ATTEST:

By: _____

Shaundrika Edwards

Its: Clerk

**THE CITY OF HUNTSVILLE
d/b/a HUNTSVILLE UTILITIES**

By: _____

Its: