



# Huntsville, Alabama

308 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

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

**File ID:** TMP-3439

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**Department:** Engineering

**Subject:**

**Type of Action:** Approval/Action

Resolution authorizing the Mayor to enter into a Revised Utility and Construction Agreement for a Federal Aid Project between Alabama Department of Transportation and the City of Huntsville, Alabama for Huntsville-Madison County Airport Authority for James Record Road, Project No. 71-22-SP11 & ALDOT Project No. CRSAHV-STPAA-STPHV-4520(251).

Resolution No.

**Finance Information:**

**Account Number:** 3080-71-00000-524000-BUDGET01

**City Cost Amount:** \$3,326,811.14

**Total Cost:** \$31,969,341.66

**Special Circumstances:**

**Grant Funded:** Yes

**Grant Title - CFDA or granting Agency:** Please see the Internal Notes

**Resolution #:** N/A

**Location: (list below)**

**Address:** N/A

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

**Additional Comments:**

Revised Supplemental Agreement No. 3 between ALDOT and the City of Huntsville for funding of Martin Road, Phase II, Utility and Construction totaling \$31,969,341.66. The Utility Phase at \$1,769,341.66 with \$29,507.13 of City Funds (98% Federal Funds and 2% City Funds). Construction Phase at \$30,200,000.00 with \$3,297,304.01 of City funds (90% Federal Funds and 10% City Funds).

## **RESOLUTION NO. 23-**

**BE IT RESOLVED** by the City Council of the City of Huntsville, Alabama, that the Mayor be, and is hereby authorized, to enter into a Revised Utility and Construction Agreement for a Federal Aid Project between Alabama Department of Transportation and the City of Huntsville, Alabama for Huntsville-Madison County Airport Authority for James Record Road, Project No. 71-22-SP11 & ALDOT Project No. CRSAHV-STPAA-STPHV-4520(251), in Huntsville, Alabama, on behalf of the City of Huntsville, a municipal corporation in the State of Alabama, which said Agreement supersedes Agreement adopted and approved by the City Council on the 14th day of September, 2023, by Resolution No. 2023-680. Revised Agreement is substantially in words and figures similar to that document attached hereto and identified as "Agreement to enter into a Revised Utility and Construction Agreement for a Federal Aid Project between Alabama Department of Transportation and the City of Huntsville, Alabama for Huntsville-Madison County Airport Authority for James Record Road, Project No. 71-22-SP11 & ALDOT Project No. CRSAHV-STPAA-STPHV-4520(251)." consisting of a total of four (4) 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 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.

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

**APPROVED** this the 12th day of October, 2023.

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Mayor of the City of Huntsville,  
Alabama

**UTILITY  
AND  
CONSTRUCTION  
AGREEMENT  
FOR A  
FEDERAL AID  
PROJECT**

**BETWEEN THE STATE OF ALABAMA  
AND THE  
CITY OF HUNTSVILLE  
Madison County**

**Additional Lanes on CR-999  
(James Record Rd.)**

**Project No. CRSAHV-STPAA-STPHV-4520(251)  
(Formerly STPAA-CN11(901))  
CPMS Ref# 100055286  
Project No. STPAA-4520(251)  
CPMS Ref# 100071390  
Supplemental Agreement No. 3**

**PART ONE (1): INTRODUCTION**

This Supplemental Agreement No. 3 is made and entered into by and between the State of Alabama (acting by and through the Alabama Department of Transportation), hereinafter referred to as the STATE; and the City of Huntsville, Alabama, hereinafter referred to as the CITY.

**WHEREAS**, the STATE and the CITY desire to cooperate in the additional lanes on CR-999 (James Record Rd.) from Laracy Dr. to Trademark Dr. and on CR-11 (Martin Rd.) from Trademark Dr. to CR-12 (Old Jim Williams Rd.); Project# CRSAHV-STPAA-STPHV-4520(251) (Formerly STPAA-CN11(901)); CPMS Ref# 100055286; and Project# STPAA-4520(251); CPMS Ref# 100071390.

**WHEREAS**, the STATE and the CITY desire to amend the Agreements entered into on the 23<sup>rd</sup> day of July 2010, the 17<sup>th</sup> day of August 2011, and the 30<sup>th</sup> day of August 2017, by execution of this supplemental Agreement.

**NOW, THEREFORE**, the parties hereto, for, and consideration of the premises stated herein, do hereby mutually promise, stipulate, and agree that the foregoing Agreements between the parties dated July 23, 2010, August 17, 2011, and August 30, 2017, be and the same is hereby amended in the following respect:

1. A Utility scope with Project# and CPMS Ref# is added and hereby amended to read as follows.

Project# STPAA-4520(251) and CPMS Ref# 100071390

2. The Project# of the foregoing Agreement is hereby amended to read as follows:  
CRSAHV-STPAA-STPHV-4520(251)
  
3. The Project description of the foregoing Agreement is hereby amended to read as follows:  
Additional lanes on CR-999 (James Record Rd.) from Laracy Dr. to Trademark Dr. and on CR-11 (Martin Rd.) from Trademark Dr. to CR-12 (Old Jim Williams Rd.)
  
4. Page 2, paragraph (5) of the foregoing Agreement is hereby amended to read as follows:  
Funding for this Agreement is subject to availability of Federal Aid funds at the time of authorization. Federal Coronavirus Response and Relief Supplemental Appropriations Act (CRSAHV) funds will be limited to \$2,807,251.00 for this project. The project will be limited to \$13,307,244.53 MPO Federal Aid funds. Federal STPAA Funds will be limited to \$10,022,427.99 for this project. State Public Road and Bridge (ST) Funds shall be limited to \$2,505,607.00 for this project. Federal STPAA funds will be administered on the basis of 80% with ST Funds to be used as 20% match. Any deficiency in Federal Aid or overrun in project costs will be borne by the City from City funds unless the Huntsville Area Metropolitan Planning Organization agrees, subject to the approval of the STATE, to reprogram the allocated Federal funds for the Huntsville Area sufficient to pay their proportional share, up to 80% of the project cost. In the event of an underrun in project costs, the amount of Federal CRSAHV funds will be the amount stated below, or 100% of eligible costs, the amount of MPO Federal Aid funds will be the amount stated below, or 80% of eligible project costs, and the STPAA funds will be the amount stated below, or 80% of eligible costs with ST funds as 20% match, whichever is less.

The estimated cost and participation by the various parties is as follows:

UTILITY

FUNDING SOURCE	ESTIMATED COSTS
Federal STPAA Funds (80%)	\$ 1,297,444.82
ST Funds (20%)	\$ 324,361.21
FA STP Funds (Huntsville Area Dedicated)	\$ 118,028.50
City Funds	\$ 29,507.13
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TOTAL (Incl CE&I)	\$ 1,769,341.66

CONSTRUCTION

FUNDING SOURCE	ESTIMATED COSTS
CRSAHV Funds	\$ 2,807,251.00
FA STP Funds (Huntsville Area Dedicated)	\$ 13,189,216.03
Federal STPAA Funds (80%)	\$ 8,724,983.17
ST Funds (20%)	\$ 2,181,245.79
City Funds	\$ 3,297,304.01
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TOTAL (Incl CE&I)	\$ 30,200,000.00

A total of \$465,939.94 in STPAA funds and State Public Road and Bridge funds was expended on Project# STPAA-PE11(907), CPMS Ref# 100056105. A total of \$880,536.29 in STPAA funds and State Public Road and Bridge funds was expended on Project# STPAA-PLH-8512(603), CPMS Ref# 100055219. A total of \$1,125,488.78 in STPAA funds and State Public Road and Bridge funds was expended on Project# STPAA-STPHV-8525(600), CPMS Ref# 100040317.

It is further understood that this is a cost reimbursement program and no federal funds will be provided to the CITY prior to accomplishment of the work for which it is requested. Furthermore, no federal funds will be reimbursed for work performed prior to project authorization.

Any cost incurred by the CITY relating to this project which is determined to be ineligible for reimbursement by the FHWA or in excess of the limiting amounts previously stated will not be an eligible cost to the project and will be borne and paid by the CITY.

5. By signing this contract, the contracting parties affirm, for the duration of the agreement, that they will not violate Federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the agreement and shall be responsible for all damages resulting therefrom.
6. All other and remaining terms of the Agreement of July 23, 2010, August 17, 2011, and August 30, 2017 shall remain the same.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by those officers, officials and persons duly authorized to execute same, and the Agreement is deemed to be dated and to be effective on the date hereinafter stated as the date of its approval by the Governor of Alabama.

ATTEST:

City of Huntsville, Alabama

By: \_\_\_\_\_  
City Clerk (Signature)

By: \_\_\_\_\_  
As Mayor (Signature)

Shaundrika Edwards  
Type Name of Clerk  
(AFFIX SEAL)

Tommy Battle  
Type Name of Mayor

This agreement has been legally reviewed and approved as to form and content.

By: \_\_\_\_\_  
William F. Patty,  
Chief Counsel

RECOMMENDED FOR APPROVAL:

\_\_\_\_\_  
Curtis W. Vincent, P.E.  
North Region Engineer

\_\_\_\_\_  
Bradley B. Lindsey, P.E.  
State Local Transportation Engineer

\_\_\_\_\_  
Edward N. Austin, P. E.  
Chief Engineer

STATE OF ALABAMA, ACTING BY AND THROUGH  
THE ALABAMA DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
John R. Cooper, Transportation Director

THE WITHIN AND FOREGOING AGREEMENT IS HEREBY EXECUTED AND  
SIGNED BY THE GOVERNOR ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
KAY IVEY  
GOVERNOR, STATE OF ALABAMA