



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 7/11/2024

File ID: TMP-4364

Department: General Services

Subject:

Type of Action: Approval/Action

Resolution authorizing the Mayor to enter into a Temporary Construction License Agreement between the City of Huntsville and Hylis, Inc.

Resolution No.

Finance Information:

Account Number: 3020-14-00000-521028-00000000

City Cost Amount: \$0

Total Cost: \$0

Special Circumstances:

Grant Funded: N/A

Grant Title - CFDA or granting Agency: N/A

Resolution #: Click or tap here to enter text.

Location: (list below)

Address:

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

Additional Comments:

Temporary construction and license agreement allowing the General Contractor of the Hays Farm Central Park project to use the parcel for general staging and development of the project including construction access, employee parking, construction trailers/temporary offices and temporary storage of materials, equipment, and dirt stockpiles

RESOLUTION NO. 24-494

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor be, is hereby authorized to enter into a Temporary Construction and License Agreement between the City of Huntsville and Hylis, Inc., 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 "Temporary Construction and License Agreement between the City of Huntsville and Hylis, Inc.," consisting of three (3) pages and the date of July 11, 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 11th day of July, 2024.

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

APPROVED this the 11th day of July, 2024.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA

MADISON COUNTY

TEMPORARY CONSTRUCTION AND LICENSE AGREEMENT

THIS TEMPORARY CONSTRUCTION AND LICENSE AGREEMENT (this “Agreement”) is made and entered into as of the 11th day of July, 2024, by and between HYLIS, INC., an Alabama corporation, as Grantor, and THE CITY OF HUNTSVILLE, an Alabama municipal corporation, as Grantee.

WITNESSETH: That the Grantor for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars, the promises of Grantee set forth below, and other good and valuable consideration to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has this day granted, licensed, and conveyed and does by these presents grant, license and convey unto the said Grantee, its successors and assigns, including, but not limited to, its general contractor for the Park (defined below) a non-exclusive, temporary access, storage and construction license on, over, along, across, and through the portions of the lands of the Grantor situated in Madison County, Alabama, particularly described and depicted as follows:

Lot 3 of the Park, Phase 1 at Hays Farm, as recorded in Plat Book 2022, Page 77, in the Madison County Probate Records, also identified as PIN 576892 by the Madison County Tax Assessor (“Grantor’s Property”),

for access; employee parking; temporary storage of materials, equipment and dirt stockpiles; location of one or more construction trailers/temporary offices; as a laydown yard for the windmill donated by Grantor’s affiliate; and as a general staging area for the construction and development on Lot 1B of the Park Phase 3 at Hays Farm, as recorded in Plat Book 2022, Page 402 (the “Park”), with all such activity being in compliance with all government regulations and in a good and workmanlike manner, together with the unimpaired right of entry and re-entry from time to time as occasion may require for all the purposes above stated and under the conditions and for the period as stated below.

Grantee or its general contractor shall be responsible for obtaining all permits from the City of Huntsville (the “City”) and/or any other governmental agency to be properly permitted for the Park project. Grantee shall remove any liens against the Grantor’s Property caused by the work contemplated herein and shall restore the Grantor’s Property to as good or better condition.

THE LICENSE AND RIGHTS GRANTED BY THIS INSTRUMENT SHALL TERMINATE AND ALL RIGHTS SHALL REVERT TO THE GRANTOR UPON THE COMPLETION OF GRANTEE’S PROJECT OR December 31, 2025, WHICHEVER SHALL FIRST OCCUR.

The parties all acknowledge that the SAMUEL H. GIVHAN, and the law firm of Lanier, Ford, Shaver & Payne, P.C., (collectively “Counsel”) prepared this Agreement on behalf of and during his representation of the City. Counsel represents Grantor in various unrelated matters. For the purposes of this transaction, Counsel represents the City’s interest and no other interests.

All conflicts of interest due to Counsel's representation of City and unrelated representation of the Purchaser are hereby waived.

IN WITNESS WHEREOF, the said Grantor has caused this instrument to be executed by its duly authorized representative on the day and year first above written.

OWNER:

HYLIS, INC., an Alabama corporation

By: _____
John W. Hays, as its President

STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said county in said state, hereby certify that John W. Hays, whose name as president of Hylis, Inc., is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he as such manager and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and seal this _____ day of July, 2024.

(NOTARIAL SEAL)

Notary Public
My commission expires:_____

CITY OF HUNTSVILLE

By: _____
Tommy Battle
Its: Mayor

ATTEST:

By: _____
Shaundrika Edwards, Its City Clerk

STATE OF ALABAMA
COUNTY OF MADISON

I, the undersigned, a Notary Public in and for said County and State, hereby certify that on this day personally came before me, Tommy Battle and Shaundrika Edwards, whose names are signed to the foregoing instrument respectively as Mayor and City Clerk of the City of Huntsville, and who are known to me, and each acknowledged before me that they, as such officers and with full authority, voluntarily signed the same as and for the act of THE CITY OF HUNTSVILLE, a municipal corporation, on the day the same bears date.

GIVEN under my hand and official seal this the _____ day of _____, 2024.

Notary Public
My Commission Expires: _____