



# Huntsville, Alabama

305 Fountain Circle  
Huntsville, AL 35801

## Cover Memo

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**Meeting Type:** City Council Regular Meeting **Meeting Date:** 5/22/2025

**File ID:** TMP-5464

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**Department:** Engineering

**Subject:**

**Type of Action:** Approval/Action

Resolution authorizing the Mayor to execute Modification No. 1 to the Agreement between the City of Huntsville, Alabama and Garver, L.L.C., for Land Acquisition for Winchester Road Additional Lanes, Project No. 65-09-RD03 & ALDOT Project No. STHV-DEMO-A183.

Resolution No.

**Finance Information:**

**Account Number:** 3080-71-00000-524022-000000000-

**City Cost Amount:** \$45,186.28

**Total Cost:** \$624,755.42

**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:**

Modification No. 1 with Garver to provide right-of-way acquisition services on forty (40) tracts for Winchester Road Improvements between Naugher Road to Dominion Circle (ALDOT Project No. STHV-DEMO-A183) in accordance with federal and state guidelines. Project is funded by the MPO with 80% being Federal funds and 20% being City funds in a total Not-to-Exceed contract amount of \$45,186.28.

## RESOLUTION NO. 25-

**BE IT RESOLVED** by the City Council of the City of Huntsville, Alabama, that the Mayor be, and is hereby authorized, to execute Modification No. 1 to the Agreement between the City of Huntsville, Alabama and Garver, L.L.C., adopted and approved on the 16th day of November, 2017, by the City Council of the City of Huntsville, Alabama by Resolution No. 17-920, as attached hereto.

**BE IT FURTHER RESOLVED** that the total contract amount be and hereby is modified from THREE HUNDRED NINETY-EIGHT THOUSAND EIGHT HUNDRED TWENTY-FOUR AND NO/100 DOLLARS (\$398,824.00) to SIX HUNDRED TWENTY-FOUR THOUSAND SEVEN HUNDRED FIFTY-FIVE AND .42/100 DOLLARS (\$624,755.42), including this Modification No. 1, an increase of TWO HUNDRED TWENTY-FIVE THOUSAND NINE HUNDRED THIRTY-ONE AND .42/100 DOLLARS (\$225,931.42). New end date: May 23, 2026. Agreement is substantially in words and figures similar to that document attached hereto and identified as "Modification No. 1 to the Agreement between the City of Huntsville, Alabama and Garver, L.L.C., for Land Acquisition Services for Winchester Road Additional Lanes, Project No. 65-09-RD03 & ALDOT Project No. STPHV-DEMO-A183," consisting of a total of three (3) pages plus seven (7) additional pages consisting of Attachment "A", and the date of May 22, 2025, 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 22nd day of May, 2025.

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

**APPROVED** this the 22nd day of May, 2025.

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

STATE OF ALABAMA        )

COUNTY OF MADISON       )

Modification No. 1 to the Agreement between  
the City of Huntsville, Alabama and Garver, L.L.C.,  
for Land Acquisition Services for Winchester Road  
Additional Lanes, Project No. 65-09-RD03 &  
ALDOT Project No. STPHV-DEMO-A183.

**THIS IS MODIFICATION NO. 1 TO AN AGREEMENT** entered in on the 16th day of November, 2017, in the amount of THREE HUNDRED NINETY-EIGHT THOUSAND EIGHT HUNDRED TWENTY-FOUR AND NO/100 DOLLARS (\$398,824.00). The original Agreement is hereby amended by Modification No. 1 dated May 22, 2025, in the amount of TWO HUNDRED TWENTY-FIVE THOUSAND NINE HUNDRED THIRTY-ONE AND .42/100 DOLLARS (\$225,931.42) for a revised contract amount of SIX HUNDRED TWENTY-FOUR THOUSAND SEVEN HUNDRED FIFTY-FIVE AND .42/100 DOLLARS (\$624,755.42), by and between the City of Huntsville, Alabama, a municipal corporation in the State of Alabama (Owner) and GARVER, L.L.C., (ENGINEER).

**WITNESSETH**

**WHEREAS**, the firm identified as the ENGINEER to the Agreement dated November 16, 2017, has proposed a change, identified as Attachment "A" to the original Agreement. This modification delineates a change to provide right-of-way acquisition services.

**WHEREAS**, the Owner desires that the contract documents be altered to be consistent with Attachment "A" hereto.

**NOW THEREFORE**, in consideration of the mutual covenants set forth herein, the Owner and the ENGINEER agree to the following modifications to the agreement:

1. Garver, L.L.C., will provide right-of-way acquisition services at a time and materials cost Not-to-Exceed TWO HUNDRED TWENTY-FIVE THOUSAND NINE HUNDRED THIRTY-ONE AND .42/100 DOLLARS (\$225,931.42). New end date: May 23, 2026.
2. Item #1 shall be performed in accordance with the original Agreement dated November 16, 2017, and approved by the City Council by Resolution No. 17-920, and as described in the letter from Scott Leach to Kathy Martin and Alan Clements, dated April 16, 2025, shown as Attachment "A".
3. The terms of this contract modification and the execution thereof is not in any way to be viewed as a waiver on the part of the Owner of any of its rights pursuant to the Contract.

President of the City Council of the City  
of Huntsville, AL

Date: May 22, 2025

4. All other terms and conditions remain unchanged.

**IN WITNESS WHEREOF**, the parties have entered their hands and seals and attest to the same with the signature of the Mayor being the official act of the said municipality in accordance with his duly constituted authority.

THE CITY OF HUNTSVILLE, ALABAMA,  
a municipal corporation

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

ATTEST:

\_\_\_\_\_  
Shaundrika Edwards  
City Clerk

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, are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, in their capacity as such officers, executed the same with full authority 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 \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

ENGINEER: GARVER, L.L.C.

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

ATTEST:

\_\_\_\_\_

STATE OF ALABAMA    )

COUNTY OF MADISON   )

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Scott Leach, as Senior Project Manager, 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 the instrument, he, in his capacity as such officer, executed the same with full authority 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 \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



5125A Research Drive  
Huntsville, AL 35805

TEL 256.534.5512  
FAX 256.534.5544

[www.GarverUSA.com](http://www.GarverUSA.com)

April 16, 2025

Ms. Kathy V. Martin, PE  
Director of Engineering  
City of Huntsville  
305 Fountain Circle  
Huntsville, AL 35801

Attn: Mr. Alan Clements, PE

**RE: Right-of-Way Acquisition Services Proposal – Supplemental Agreement #1  
ALDOT Project No. STPHV-DEMO-A183  
Winchester Road Additional Lanes  
In the City of Huntsville, Madison County, AL**

Mr. Clements:

As you know, there has been a substantial amount of development, subdivided property, and changes in ownership that has resulted in the need for new and updated appraisals. There has also been some new tracts added to this project. At this time, we are providing a proposal for the anticipated scope of work described below:

**Appraisals**

- 40 tracts; (30 Second/Updated Appraisals and 10 new tracts) completed in accordance with State and Federal guidelines as a before and after report per USPAP. We will use appraisers qualified with these type reports and on ALDOT's approved appraiser list.

**Appraisal Reviews**

- 40 tracts (30 Second/Updated Appraisals and 10 new tracts). The appraisal reviewer will follow State and Federal guidelines as well as USPAP.

**Negotiations**

- 40 Tracts – 30 Second/Updated offers and 10 new tracts.

**Project Management**

- Coordination between project and City
- Notification Letters to property owners
- Assisting attorney appointed to project with tract information for closing
- Coordination with project design consultant on right-of-way issues.
- Maintaining project files

Ms. Martin, PE  
April 16, 2025  
Page 2 of 2

A proposal from our subconsultant – Wisener, LLC – is attached. Wisener's total fee estimate is \$204,500.00. Garver's total estimated fee is \$21,431.42 which includes \$10,225.00 as a 5% sub-consultant administration expense. The Total Estimated Fee we propose for performing these services is \$225,931.42. Federal funds are involved in the Right-of-Way Acquisition for this project; so, ALDOT / FHWA reviews / approvals will be required for services performed under this agreement. As such, a contract completion date cannot be established at this time since certain elements related to a performance schedule are beyond our control. We request a contract completion date of March 31, 2026. Our fee schedule will be valid for the duration of this contract.

Please note: This proposal does not include relocation fees, appraisal updates, second appraisals, appraisals for court, or expert witness fees. If tracts are revised, added, or deleted, we will adjust our proposal and fees accordingly.

Please review these items at your convenience and let me know if you have questions or need any additional information. We look forward to working with you and the City of Huntsville on this important project.

Sincerely,  
Garver, LLC



Scott C. Leach, PE  
Senior Project Manager

<b>Project No.</b>	STPHV-DEMO-A183
<b>County</b>	Madison
<b>Description</b>	CR-93 (Winchester Road) from Dominion Circle to Naugher Rd
<b>Scope of Work</b>	Right-of-Way Acquisition Services
<b>Project Length</b>	2.20 Miles
<b>Consultant</b>	Garver, LLC, and Wisener, LLC
<b>GRAND TOTAL OF FEE PROPOSAL</b>	
Appraisals, Review Appraisals, Negotiations, and Project Management for ROW Acquisition (40 Tracts)	\$225,931
<b>GRAND TOTAL FEE</b>	<b>\$225,931</b>

Combined overhead rate (%) >>>>>>>>>>>>> 196.63

Facilities Capital Cost of Money (if used) >>>>>	0.68
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## LABOR RATES

Classification	Daily Rate
Project Manager	\$700.96
Engineer	\$473.80
Environmental	
Engineering Technician/CADD	
Environmental Technician	
Clerical	\$176.96
PLS	
Survey Crew	

**\*\*Certification of Out-of-Pocket Expenses:**

If Out-of-Pocket Expenses are included in this proposal, we hereby certify that these costs are not included in the Combined Overhead Rate and are typically invoiced to all clients as a direct job cost.

Joe C. Leach

Signed

4/16/2025

Date \_\_\_\_\_

SR. PROJECT MANAGER

Position/Title



<b>Project No.</b> STPHV-DEMO-A183 <b>County</b> Madison <b>Description</b> CR-93 (Winchester Road) from Dominion Circle to Naugher Rd <b>Scope of Work</b> Right-of-Way Acquisition Services <b>Project Length</b> 2.20 Miles			
<b>Consultant</b> Garver, LLC, and Wisener, LLC			
<b>Right-of-Way Acquisition Services</b>			
<b>Number of Tracts =</b> 40			
Project Management and Project Coordination			
<b>TOTALS</b>			
	Engineer	Tech/CADD	Clerical
	5.00		4.00
	5.00	0.00	4.00

Note: The acquisition of Right-of-Way, Permanent Easements, and Temporary Construction Easements are included in this anticipated man-day estimate for coordination with property owners

<b>Project No.</b> STPHV-DEMO-A183			
<b>County</b> Madison			
<b>Description</b> CR-93 (Winchester Road) from Dominion Circle to Naugher Rd			
<b>Scope of Work</b> Right-of-Way Acquisition Services			
<b>Project Length</b> 2.20 Miles			
<b>Consultant</b> Garver, LLC, and Wisener, LLC			
<b>Fee Proposal (Right-of-Way Acquisition Services)</b>			
<b>PERSONNEL COST</b>			
	Man-days x Daily Rate		
Project Manager (10% of Eng.)	0.50	\$ 700.96	\$ 350.48
Engineer	5.00	\$ 473.80	\$ 2,369.00
Engineering Technician/CADD	0.00	\$ -	\$ -
Clerical	4.00	\$ 176.96	\$ 707.84
<b>Total Direct Labor</b>			\$ 3,427.32
Combined Overhead (%)	196.63		\$ 6,739.14
Out-of-Pocket Expenses**			\$ -
<b>Sub-Total</b>			\$ 10,166.46
Operating Margin (10%)			\$ 1,016.65
<b>Sub-Total</b>			\$ 11,183.11
<b>SUB-CONSULTANTS (attach man-day &amp; fee FROM each sub-consultant; show total fee for each here)</b>			
Wisener, LLC (Appraisals, Review Appraisals, Negotiations, etc.)			\$ 204,500.00
			\$ -
			\$ -
Subconsultant Administration Expense (5%)			\$ 10,225.00
<b>Sub-Total</b>			\$ 225,908.11
Facilities Capital Cost of Money (% of Direct Labor)	0.68		\$ 23.31
<b>TOTAL FEE</b>			\$ 225,931.42

\*\*See Grand Total Fee sheet



**WISENER, LLC**  
Real Estate Acquisition Services

October 20, 2023

Garver, LLC  
Attn: Scott Leach  
5125A Research Dr.  
Huntsville, AL 35805

Re: Estimate for Right-of-Way Acquisition Services (SUPPLEMENTAL)  
Project: STPHV-DEMO-A183  
Winchester Road  
City of Huntsville

Dear Mr. Leach:

As you may know, there are several of the tracts that the City/State has asked us to update due to time or for going to Probate Court. There has also been some new tracts added. We have no idea on future requests from the City for updated appraisals but this proposal will be an estimate for those fees. We appreciate your assistance and below is our proposal :

- Appraisal- 40 tracts- (30 Second/Updated Appraisals- 10 new tracts) Appraisals will be completed in accordance to State and Federal guidelines as a before and after report and following USPAP. We will be using appraisers who is qualified with these types of reports and are on the State's approved list.
- Appraisal Reviews- 40 tracts- (Second/Updated Appraisals & new tracts)The appraisal reviewer will follow guidelines as set out in the State and Federal guidelines as well as USPAP.
- Negotiations- 40 Tracts- Second offers and new tracts
- Project Management & Document Management
  - Coordination between project and City
  - Notification Letters to owners
  - Assisting attorney appointed to project with tract information for closing
  - Coordination between project and design consultant on row issues
  - Maintaining project files

We have estimated that our fees will not exceed \$204,500.00 to provide the above services. This fee is based on the requests by the City/State and also the map updates. This proposal does not include appraisals for court or expert witness fees. If it is determined that these services will be needed, we can add them in a supplemental agreement.

Thank you again for considering our services and we look forward to working with you. Please let me know if you have any questions.

Sincerely,

Bradley Wisener

## BREAKDOWN OF FEES

Appraisals- 39 Tracts @ \$3,000/each

Tract 65 (Second appraisal) \$10,000

Total= \$127,000

Appraisal Reviews- 39 Tracts @ \$1,000/each

Tract 65- \$4,000

Total= \$43,000

Negotiations- \$700 per tract (40 tracts) = \$28,000

Project Management & Document Management- 100 hours/ \$65 hr- \$6,500

**Total Fee Estimate = \$204,500**