



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 8/24/2023

File ID: TMP-3254

Department: General Services

Subject:

Type of Action: Approval/Action

Resolution authorizing the Mayor to execute Modification No. 2 to the Lease Agreement between the City of Huntsville d/b/a Huntsville Utilities and the City of Huntsville, Alabama.

Resolution No.

Finance Information:

Account Number: 1000-14-14300-515460-00000000

City Cost Amount: \$11,897.25 per month, \$17.40 per square foot

Total Cost: \$142,767.00 per year

Special Circumstances:

Grant Funded: N/A

Grant Title - CFDA or granting Agency: N/A

Resolution #: N/A

Location: (list below)

Address: 101 Church St. SW

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

Additional Comments:

This leased space is for use by the COH ITS Department. The term of the lease agreement is modified to extend through August 31, 2024 under the terms and conditions set forth in the original Lease Agreement approved through Resolution 19-970 on Oct. 10, 2019. All other terms remain unchanged.

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 execute the Modification No. 2 to the Lease Agreement between the City of Huntsville d/b/a Huntsville Utilities and the City of Huntsville, Alabama as adopted and approved Pursuant to Resolution No.19-970 of the City Council of the City of Huntsville on October 10, 2019, 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 “Modification No. 2 to Lease Agreement between the City of Huntsville d/b/a Huntsville Utilities and the City of Huntsville, Alabama,” consisting of two (2) pages and the date of August 24, 2023 appearing on 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 24th day of August, 2023.

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

APPROVED this the 24th day of August, 2023.

Mayor of the City of Huntsville, Alabama

Modification No. 2 to Lease Agreement
Between the City of Huntsville d/b/a Huntsville
Utilities and the City of Huntsville, Alabama

MODIFICATION NO. 2 TO LEASE AGREEMENT

This Modification No. 2 to Lease Agreement (this "Modification") is made and entered into on the 24th day of August, 2023, by and between the **City of Huntsville d/b/a Huntsville Utilities**, hereinafter referred to as "Landlord" and **the City of Huntsville, Alabama**, a municipal corporation within the State of Alabama, hereinafter referred to as "Tenant."

WITNESSETH:

WHEREAS, Landlord is the owner of a property located at 101 Church Street SW, Huntsville, AL 35801 hereinafter known as the "Demised Premises; and

WHEREAS, on October 10, 2019, Landlord and Tenant entered into a lease agreement for Tenant to Lease the Demised Premises; and

WHEREAS, the said Lease Agreement was adopted and approved by the City Council of the City of Huntsville pursuant to Resolution No. 19-970; and

WHEREAS, on October 23, 2014, Landlord and Tenant entered into Modification No. 1 to said Lease Agreement; and

WHEREAS, the parties desire to modify the terms and conditions of the lease and to extend the term of the occupancy by Tenant.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree to modify the Lease Agreement as follows:

1. The term of the Lease Agreement is modified to extend through August 31, 2024.

All **other** terms of the Lease Agreement, as amended by Modification No. 1 to the Lease Agreement, remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereunto entered into this Modification agreement on the day first written above.

WITNESS:

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

By: Karen L. Wen

By: Melina [Signature]

Its: Executive Assistant

Its: CFO

CITY OF HUNTSVILLE, ALABAMA

By: _____
Shaundrika Edwards
Title: City Clerk

By: _____
Tommy Battle
Title: Mayor

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 voluntarily 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 _____, 2023.

Notary Public

STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Melissa Marty, whose name as CFO of City of Huntsville d/b/a Huntsville Utilities, a municipal corporation are 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/she, in his/her capacity as such officer, executed the same voluntarily for and as the act of said corporation on the day the same bears day.

GIVEN under my hand and official seal this the 11 day of August, 2023.

my commission expires 2.11.2024

Peggy Smith

Notary Public

