

**RESOLUTION NO. 2021-181-R**

**A RESOLUTION AUTHORIZING PAYMENT SCHEDULE  
FOR CERTAIN BALLCORPS, LLC, PAYMENTS**

**WHEREAS**, the City of Madison has entered into a Venue License, Lease, and Management Agreement (“License Agreement”) with BallCorps, LLC, (“BallCorps”), and certain Venue Revenues, which are defined in the License Agreement, are due and owing for the year 2020; and

**WHEREAS**, the City has completed the annual audit procedures provided for in the License Agreement, and the City’s auditors have determined that BallCorps’ Venue Revenue reporting for non-baseball events for the year 2020 is accurate; and

**WHEREAS**, the City and BallCorps, LLC, have entered into two installment payment agreements for the installation of equipment at Toyota Field, and the City and BallCorps desire to amend the payment schedule for each of those agreements;

**BE IT HEREBY RESOLVED** by the City Council of the City of Madison, Alabama, that the Mayor is authorized and directed to administer a payment plan for remaining Venue Revenue and Naming Rights Revenue due and owing to the City for the year 2020 in the amount of \$445,177.52, and the City Council assents to a payment schedule of \$100,000.00 per month on June 1, July 1, and August 1 of 2021, with the final payment to be made on September 1, 2021 in the amount of \$145,177.52; and

**BE IT FURTHER RESOLVED**, that the City Council confirms that the payments of Venue Revenue as set forth in this Resolution, as well as payments made prior to the date of this resolution in the amount of \$177,153.00, constitute all payments due and owing to the City for the year 2020 due to the Force Majeure clause of the License Agreement (Article XX), which BallCorps has invoked due to the cancellation of the 2020 baseball season during the COVID-19 pandemic; and

**BE IT FURTHER RESOLVED** that the Mayor is authorized to execute an amendment to the Installment Agreement dated March 12, 2019 for concessions equipment for remaining payments due in the amount of \$470,599.56, and said amendment shall provide for full payment by December 31, 2021, with the accrual of interest at the rate of 3.25% (compounded monthly) starting June 1, 2021; and

**BE IT FURTHER RESOLVED** that the Mayor is authorized to execute an amendment to the Installment Agreement dated August 9, 2019 for video screen equipment for remaining payments due in the amount of \$13,007, and said amendment shall provide for full payment by December 31, 2021, with the accrual of interest at the rate of 3.25% (compounded monthly) starting June 1, 2021; and

**BE IT FURTHER RESOLVED** that the Finance Director is authorized to forward payment to BallCorps in the amount of \$52,307.06, which represents the City's annual share of utility expenses.

**READ, PASSED, AND ADOPTED** at a regularly scheduled meeting of the City Council of the City of Madison, Alabama, on this 24<sup>th</sup> day of May, 2021.

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*Greg Shaw, Council President*  
City of Madison, Alabama

**ATTEST:**

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*Melanie A. Williard, City Clerk-Treasurer*  
City of Madison, Alabama

**APPROVED** this 24<sup>th</sup> day of May, 2021.

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*Paul Finley, Mayor*  
City of Madison, Alabama