CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number_____

Meeting Type: Regular

Meeting Date: 5/3/2012

Action Requested By:
Legal

Agenda Item Type
Resolution

Subject Matter:

Invoking letter of credit

Exact Wording for the Agenda:

Resolution authorizing the Clerk-Treasurer to invoke RBC Bank letter of credit No. SB004898 for The Willows Phase 2 at River Landing.

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow
and accomplish and; any other information that might be helpful.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: _____

Date: 4-26-12

revised 3/12/2012

RESOLUTION NO. 12-_____

WHEREAS, RBC Bank issued a certain letter of credit (No. SB004898), a copy of which is attached hereto and incorporated herein by reference, including any amendments thereto, in favor of the City of Huntsville, Alabama pursuant to Article 5 of the Subdivision Regulations for the City of Huntsville, Alabama; and

WHEREAS, the letter of credit is due to be invoked and the proceeds used in accordance with said subdivision regulations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the City of Huntsville Clerk-Treasurer be and is hereby authorized to present for payment to RBC Bank Letter of Credit No. SB004898, prior to the expiration date thereof, with the language as specified in said Letter of Credit.

ADOPTED this the 3rd day of May, 2012.

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

APPROVED this the 3rd day of May, 2012.

_____
Mayor of the City of
Huntsville, Alabama

RBC Bank™

5/W
9+T

International Services - Standby L/C Unit
200 Providence Rd., 3rd Floor
Charlotte, NC 28207
S.W.I.F.T.: CNTAUS33
Tel.: 704-686-1467 or 704-686-1194
Fax: 704-686-1498
Toll-free: 1-800-938-6299

March 15, 2011

Amendment to Irrevocable Standby Letter of Credit Number SB004898

Beneficiary:
City of Huntsville
PO Box 308
Huntsville, AL 35804

MS
3/21/11

Applicant:
River Bend Investments (AL) LLC
2101 W. Clinton Ave., Suite 501
Huntsville, AL 35805

RE: Article 5 Sidewalk Letter of Credit for The Willows Phase 2 at River Landing

Gentlemen:

We hereby amend our above referenced letter of credit as follows:

-expiry date extended to May 27, 2012

-amount decreased by $39,000.00 to a new aggregate total of $45,630.00

All other terms and conditions remain unchanged.

Sincerely,

OK
CGV
3/22/11

RBC Bank (USA)

Glenda A. Martin
Authorized Signature

Claire D. Niven
Authorized Signature

MW 3-22-11

RBC Bank™

International Services - Standby L/C Unit
200 Providence Rd., 3rd Floor
Charlotte, NC 28207
S.W.I.F.T.: CNTAUS33
Tel.: 704-686-1467 or 704-686-1194
Fax: 704-686-1498
Toll-free: 1-800-938-6299

Issue Date: May 27, 2009

Expiry Date: May 27, 2011

Irrevocable Standby Letter of Credit Number SB004898

Beneficiary:
City of Huntsville
PO Box 308
Huntsville, AL 35804

MS
6/18/09

Applicant:
River Bend Investments (AL) LLC
2101 W. Clinton Ave., Suite 501
Huntsville, AL 35805

Re: Article 5 Sidewalk Letter of Credit for The Willows Phase 2 at River Landing

We hereby open our Irrevocable Standby Letter of Credit referenced above in your favor, as Beneficiary effective May 27, 2009, for the account of the above referenced Applicant up to the aggregate amount of $84,630.00 (Eighty Four Thousand Six Hundred Thirty and 00/100 United States Dollars) available by payment of your draft(s) drawn at sight on us when accompanied by:

A signed statement by a representative of the City of Huntsville, Alabama reading: "This draw is being made pursuant to Article 5 of the Subdivision Regulations."

We hereby agree with you that all draft(s) drawn under and in compliance with the terms and conditions of this Credit shall be duly honored by us when presented, along with the required documentation and the original of this letter of credit, at our office located at 200 Providence Road, 3rd Floor, Charlotte, NC 28207 OR 100 Church Street, 3rd Floor, Huntsville, AL 35801 on or before the above stated expiry date.

Draft(s) drawn hereunder must state on their face "drawn under RBC Bank (USA) letter of credit number SB004898".

This Letter of Credit is subject to/and governed by the laws of the State of Alabama and the International Standby Practices ("ISP98"), International Chamber of Commerce (Publication No. 590) and in the event of any conflict, the Laws of the State of Alabama will control.

Sincerely,

RBC Bank (USA)

Claire D. Niven
Authorized Signature

OK
CEA
7/1/09

Kristal D. McCready
Authorized Signature

OK IMB
6/30/09