CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number_____

Meeting Type: Regular

Meeting Date: 11/1/2012

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 PNC Bank Letter of Credit No. 18799588 for The Willows Phase 3 at River Landing Subdivision.

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: 10/26/2012

revised 3/12/2012

RESOLUTION NO. 12-_____

WHEREAS, PNC Bank issued a certain letter of credit (No. 18799588), 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 PNC Bank Letter of Credit No. 18799588, prior to the expiration date thereof, with the language as specified in said Letter of Credit.

ADOPTED this the 1st day of November, 2012.

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

APPROVED this the 1st day of November, 2012.

_____
Mayor of the City of
Huntsville, Alabama

PNC Bank, National Association
Trade Service Operations
500 First Avenue – 2ND Floor
Pittsburgh PA 15219
Mail Stop: P7-PFSC-02-T

Customer Service: 1800-682-4689
SWIFT Address: PNCCUS33

PNCBANK

DATE: June 25, 2012

street trees
ext

CITY OF HUNTSVILLE
PO BOX 308
HUNTSVILLE, AL 35804

AMENDMENT TO IRREVOCABLE STANDBY LETTER OF CREDIT

PNC BANK NEW REFERENCE NUMBER:	18799588-00-000
APPLICANT:	RIVER BEND INVESTMENTS (AL)
CURRENT AVAILABLE AMOUNT:	$29,000.00
EXPIRY DATE:	NOVEMBER 9, 2012
EXPIRY PLACE:	OUR COUNTERS

EFFECTIVE MARCH 3, 2012, IRREVOCABLE STANDBY LETTER OF CREDIT SB004995 ISSUED BY RBC BANK USA IS AMENDED AS FOLLOWS:

THE ISSUING BANK IS NOW TO READ PNC BANK, NATIONAL ASSOCIATION

DRAFTS, IF REQUIRED BY THE EXISTING TERMS OF THE LETTER OF CREDIT, MUST NOW BE DRAWN ON PNC BANK, NATIONAL ASSOCIATION AND REFERENCE OUR LETTER OF CREDIT NO. 18799588-00-000.

RE: ARTICLE 5 LANDSCAPING LETTER OF CREDIT FOR THE WILLOWS PHASE 3 AT RIVER LANDING

THIS LETTER OF CREDIT IS NOW AVAILABLE FOR PAYMENT AT THE COUNTERS OF PNC BANK, NATIONAL ASSOCIATION LOCATED AT 500 FIRST AVENUE, 2ND FLOOR, P7-PFSC-02-T, ATTN: STANDBY LETTER OF CREDIT DEPARTMENT, PITTSBURGH, PA 15219

DOCUMENTS MAY BE PRESENTED ON OR BEFORE THE EXPIRATION DATE AT EITHER OF THE FOLLOWING:

PNC BANK NATIONAL ASSOCIATION
500 FIRST AVENUE, 2ND FLOOR
P7-PFSC-02-T
PITTSBURGH, PA 15219
ATTN: STANDBY LETTER OF CREDIT

MS 6/29/12 MW OK KCA OK CE/8

PNC Bank, National Association
Trade Service Operations
500 First Avenue – 2ND Floor
Pittsburgh PA 15219
Mail Stop: P7-PFSC-02-T

Customer Service: 1800-682-4689
SWIFT Address: PNCCUS33

PNCBANK

OR

PNC BANK NATIONAL ASSOCIATION
100 CHURCH STREET, 3RD FLOOR
HUNTSVILLE, AL 35801
ATTENTION: BRANCH MANAGER OR SALES AND SERVICE MANAGER

ALL REFERENCES IN THE LETTER OF CREDIT TO THE ISSUING BANK SHOULD NOW READ PNC BANK, NATIONAL ASSOCIATION

ALL REFERENCES IN THE LETTER OF CREDIT TO THE LETTER OF CREDIT NUMBER SHOULD NOW READ 18799588-00-000

PLEASE SIGNIFY YOUR CONSENT TO THIS AMENDMENT BY SIGNING THE ATTACHED COPY OF THIS AMENDMENT AND RETURNING THE SAME DIRECTLY TO US BY MAIL TO OUR ADDRESS AT 500 FIRST AVENUE, 2ND FLOOR, P7-PFSC-02-T, ATTN: STANDBY LETTER OF CREDIT DEPARTMENT, PITTSBURGH, PA 15219. YOUR IMMEDIATE ATTENTION TO THIS MATTER IS REQUIRED IN ORDER THAT WE MAY COMPLETE OUR RECORDS.

ALL OTHER CONDITIONS REMAIN UNCHANGED.

Christen Harris

PNC BANK, NATIONAL ASSOCIATION
GLOBAL TRADE SERVICE OPERATIONS

PNC Bank, National Association
Trade Service Operations
500 First Avenue – 2ND Floor
Pittsburgh PA 15219
Mail Stop: P7-PFSC-02-T

Customer Service: 1800-582-4689
SWIFT Address: PNCCUS33

PNCBANK

IN REFERENCE TO AMENDMENT UNDER PNC BANK LETTER OF CREDIT NUMBER 18799588-00-000

✓ WE HEREBY CONSENT TO THE TERMS AND CONDITIONS OF THIS AMENDMENT.

_____ WE HEREBY DO NOT CONSENT TO THE TERMS AND CONDITIONS OF THIS AMENDMENT.

WE FURTHER CERTIFY THAT THE UNDERSIGNED IS AUTHORIZED TO EXECUTE THIS AGREEMENT

CITY OF HUNTSVILLE

BY: Charles E. Hargood

DATE: 7/3/12

PNC Bank, National Association
Global Trade Service Operations
Customer Service: 1-800-682-4689

PNC

DATE: MARCH 16, 2012

CITY OF HUNTSVILLE
PO BOX 308
HUNTSVILLE, AL 35804

EFFECTIVE AT THE END OF THE DAY ON MARCH 2, 2012, RBC BANK USA WAS MERGED INTO PNC BANK, NATIONAL ASSOCIATION. YOU ARE THE BENEFICIARY OF THE LETTER OF CREDIT ISSUED BY RBC BANK USA THAT IS REFERENCED IN THE ATTACHED AMENDMENT.

THE LETTER OF CREDIT IS BEING AMENDED TO REFLECT SEVERAL CHANGES REGARDING YOUR LETTER OF CREDIT. PLEASE REVIEW THE ATTACHED AMENDMENT CAREFULLY AND NOTE THAT THE ISSUING BANK'S NAME, PLACE OF PRESENTATION AND THE LETTER OF CREDIT NUMBER ARE BEING AMENDED.

AFTER YOUR REVIEW, PLEASE SIGN THE ATTACHED CONSENT TO THE AMENDMENT AND RETURN IT TO PNC BANK, NATIONAL ASSOCIATION, 500 FIRST AVENUE, 2ND FLOOR, P7-PFSC-02-T, ATTN: STANDBY LETTER OF CREDIT DEPARTMENT, PITTSBURGH, PA 15219. IF YOU HAVE ANY QUESTIONS, PLEASE CALL OUR CUSTOMER SERVICE NUMBER AT 1-800-682-4689 AND CHOOSE OPTION 2 (STANDBY LETTER OF CREDIT) AND OPTION 2 AGAIN (CUSTOMER SERVICE).

PLEASE NOTE THE REFERENCED AMENDMENT IS TO BE CONSIDERED AS PART OF THE ORIGINAL LETTER OF CREDIT AND MUST BE ATTACHED THERETO.

WE LOOK FORWARD TO SERVING YOUR LETTER OF CREDIT NEEDS IN THE FUTURE.

SINCERELY,

PNC BANK, NATIONAL ASSOCIATION

Christin Harris

AUTHORIZED SIGNATURE

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

September 14, 2011

Amendment to Irrevocable Standby Letter of Credit Number SB004995

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

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

RE: Article 5 Landscaping Letter of Credit for The Willows Phase 3 at River Landing

Gentlemen:

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

-expiry date extended to November 09, 2012

MS 9/16/11 MN 9-20-11 DL 9-22-11

All other terms and conditions remain unchanged.

OK CEB 9/23/11

Sincerely,

RBC Bank (USA)

Glenda A. Martin
Authorized Signature

Claire D. Niven
Authorized Signature

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: November 09, 2009

Expiry Date: November 09, 2011

Irrevocable Standby Letter of Credit Number SB004995

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

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

Re: Article 5 Landscaping Letter of Credit for The Willows Phase 3 at River Landing

We hereby open our Irrevocable Standby Letter of Credit referenced above in your favor, as Beneficiary effective November 09, 2009, for the account of the above referenced Applicant up to the aggregate amount of $29,000.00 - - enty Nine Thousand 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 S8004995".

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
CEH
11/14/09

Glenda A. Martin
Authorized Signature

MS