

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 2/14/2013

Action Requested By:
Legal

Agenda Item Type
Resolution

Subject Matter:

Invoke letter of credit.

Exact Wording for the Agenda:

Resolution authorizing the Clerk Treasurer to Invoke First Commercial Bank Letter of Credit No. 129 for Hawks Ridge 5th Addition 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.

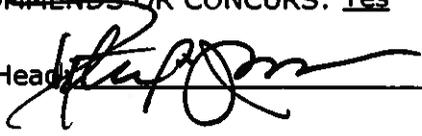
[Empty box for providing details on why the action is required, recommended, and what council action will provide, allow, and accomplish.]

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head



Date: 1/30/2013

RESOLUTION NO. 13-_____

WHEREAS, First Commercial Bank issued a certain letter of credit (No. 129), 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 First Commercial Bank Letter of Credit No. 129, prior to the expiration date thereof, with the language as specified in said Letter of Credit.

ADOPTED this the 14th day of February, 2013.

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

APPROVED this the 14th day of February, 2013.

Mayor of the City of
Huntsville, Alabama

Hawks Ridge 5d



PO Box 04002
Huntsville, AL 35804
Phone 256-551-3300
www.fcb-hsv.com

AMENDMENT TO IRREVOCABLE STANDBY LETTER OF CREDIT

Irrevocable Standby Letter of Credit No.: 129

Date of Amendment: 2/28/2012

Amendment No.: 1

BENEFICIARY: City of Huntsville CUSTOMER: First Commercial Bank of Huntsville

Madam / Sir :

Upon the request of the Customer and with your approval, on 2/28/2012,

First Commercial Bk div of Synovus Bank as successor in interest by merger with

First Commercial Bank of Huntsville ("Issuer") hereby amends its Irrevocable Letter of Credit No. 129, dated 2/28/2011 ("Letter of Credit"), of which you are the Beneficiary in the following respect:

Extend expiration date from 2/28/2012 to 2/28/2013.

This Amendment shall be deemed a part of the Letter of Credit and should be attached thereto. If the terms of the Letter of Credit require presentation thereof to Lender, as a condition to making a draw thereunder, this Amendment also must be presented.

Except to the extent specifically amended hereby, all other terms, provisions and conditions of the Letter of Credit shall remain unchanged and in full force and effect, and the Issuer does expressly ratify and confirm Irrevocable Standby Letter of Credit No. 129, as amended herein.

Very truly yours,

First Commercial Bk div of Synovus Bank
Name of Issuer

By: [Signature]
Name/Title: W Leigh Pegues, Exco Vice President

By: _____
Name/Title: _____

OK
CC 12
3/14/12
OK PAB
3-14-12
DJ 3-12-12
MN 3-12-12



PO Box 040002
Huntsville, AL 35804
Phone 256-551-3300
www.fcb-hsv.com

IRREVOCABLE LETTER OF CREDIT #129

Beneficiary:
City of Huntsville
P. O. Box 308
Huntsville, AL 35804

Applicant:
First Commercial Bank
of Huntsville
P.O. Box 040002
Huntsville, AL 35804

Bank:
First Commercial Bank
A Division of Synovus Bank
1148 Broadway
Columbus, GA 31901

Subject: Article 5 Sidewalk, Letter of Credit #129 for HAWKS RIDGE FIFTH ADDITION, A Resubdivision of a Part of Tract One of High Mountain Estates Fourth Addition of the High Mountain Reserve, A Resubdivision of Tract 12 of Chapman Cove and a Resubdivision of Lot A or Saddletree (Plat Book 17, Page 100) and A Resubdivision of Tract 1 and Lot 10 of High Mountain Estates Third Addition, A Resubdivision of Tract 11 of Chapman Cove and A Resubdivision of Lot A of Saddletree (Plat Book 17 Page 100) and a Resubdivision of Tract 10 of High Mountain Estates Second Addition, A Resubdivision of Tract 10 of High Mountain Estates as recorded in an affidavit Book 1006, Page 570.

Amt: \$61,410.00
Letter of Credit #129
Date: February 28, 2011
Exp: February 28, 2012

Gentlemen:

We hereby issues our Irrevocable Standby Letter of Credit in your favor, effective February 28, 2011 for a sum not to exceed the aggregate of Sixty One Thousand Four Hundred Ten Dollars and Zero Cents (\$61,410.00) Available by your one or more of your drafts at SIGHT on us.

All draft(s) drawn under and in compliance with the terms of this Credit prior to the expiration thereof will be duly honored if drawn and presented for payment to First Commercial Bank, A Division of Synovus Bank, 301 Washington Street, Huntsville, AL 35801.

Each draft must be accompanied by a statement signed by a representative of the City of Huntsville, Alabama stating that the draw is being made pursuant to Article 5 of the Subdivision Regulations.

THE ORIGINAL OF THIS LETTER OF CREDIT MUST BE PRESENTED WITH ANY DRAWING.

We hereby engage with you that drafts drawn under and in compliance with the terms of the credit will be duly honored upon presentation and deliver of the documents as specified.

The Letter of Credit shall be governed by the laws of the State of Alabama including but not limited to the Alabama Uniform Code, as the same may be from time to time amended.

This Letter of Credit is subject to the International Standby Practices 1998 (ISP98)

FIRST COMMERCIAL BANK, A Division of Synovus Bank

W. Leigh Pegues
Executive Vice President

OK
CEH
3/22/11

ok DB 3-21-2011
ok KCA 3/22/11