CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number_____

Meeting Type: Regular

Meeting Date: 8/8/2013

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 Bryant Bank Letter of Credit No. 1121 for Iredell 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: 8/2/2013

revised 3/12/2012

RESOLUTION NO. 13-_____

WHEREAS, Bryant Bank issued a certain letter of credit (No. 1121), 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 Bryant Bank Letter of Credit No. 1121, prior to the expiration date thereof, with the language as specified in said Letter of Credit.

ADOPTED this the 8th day of August, 2013.

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

APPROVED this the 8th day of August, 2013.

_____
Mayor of the City of
Huntsville, Alabama

BRYANT BANK

5/cc

IRREVOCABLE LETTER OF CREDIT NO. 1121
AMENDED & RESTATED AS OF 08/15/2012

Beneficiary:	Account Party:	Bank:
City of Huntsville P.O. Box 308 Huntsville, AL 35804	Concord Development Co., Inc 1806 University Drive Huntsville, AL 35801	Bryant Bank 415-H Church Street Suite 100 Huntsville, AL 35801

Subject: Article 5 Sidewalk Letter of Credit for Iredell Subdivision Phase I

Amount: $ 128,400.00
Issue Date: 08/15/2012
Expiration Date: 08/15/2013

Gentlemen:

We hereby Amend & Restate our Irrevocable Standby Letter of Credit in your favor, effective 08/15/2012, for a sum not to exceed the aggregate of $128,400.00. Available by your one or more 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 Bryant Bank, 415-H Church Street, Suite 100, 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 the 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 delivery of the documents as specified.

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

Bryant Bank

Mike Johnston
Senior Vice President

N 9-4-12
N

MS 9/5/12

OK ECA 9/10/12

OK 9/10/12

Unbeatable Service. Legendary Results.

BRYANT BANK

ORIGINAL

IRREVOCABLE LETTER OF CREDIT NO. 1121

Beneficiary:	Account Party:	Bank:
City of Huntsville P.O. Box 308 Huntsville, AL 35804	Concord Development Co., Inc 1806 University Drive Huntsville, AL 35801	Bryant Bank 415-H Church Street Suite 100 Huntsville, AL 35801

Subject: Article 5 Sidewalk, Letter of Credit for Iredell Subdivision Phase 1

Amount: $ 136,595.20
Issue Date: 08/15/2011
Expiration Date: 08/15/2012

MS
8/15/11

Gentlemen:

We hereby open our Irrevocable Standby Letter of Credit in your favor, effective 8/15/2011, for a sum not to exceed the aggregate of $136,595.20. Available by your one or more 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 Bryant Bank, 415-H Church 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 the 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 delivery of the documents as specified.

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

Bryant Bank

Kenneth D. Watson
President

OK
CG 18
8/22/11

TR KCA 8/19/11