

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number \_\_\_\_\_

Meeting Type: Regular

Meeting Date: 10/10/2013

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 BancorpSouth Bank Letter of Credit No. 362000788828 for Legendwood Phase III Subdivision.

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

Item to be considered for: Action

Unanimous Consent Required: No

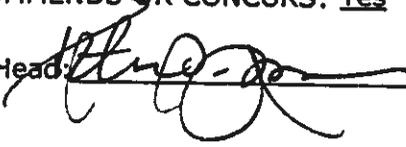
Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: \_\_\_\_\_



Date: 9-30-13

**RESOLUTION NO. 13-\_\_\_\_\_**

**WHEREAS**, BancorpSouth Bank issued a certain letter of credit (No. 362000788828), 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 BancorpSouth Bank Letter of Credit No. 362000788828, prior to the expiration date thereof, with the language as specified in said Letter of Credit.

**ADOPTED** this the 10th day of October, 2013.

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

**APPROVED** this the 10th day of October, 2013.

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Mayor of the City of  
Huntsville, Alabama

OK CEA  
11/6/12



# **BancorpSouth**

## **IRREVOCABLE STANDBY LETTER OF CREDIT**

**Date of Issuance:** October 16, 2012

**No.:** 362000788828

**Place of Issuance:** BancorpSouth Bank  
201 South Spring Street  
P.O. Box 789  
Tupelo, MS 38802  
Attn: Trade Finance Department

115  
10/22/12

**Date of Expiry:** October 16, 2013

**Place of Presentment/Expiry:** BancorpSouth Bank  
603 Madison Street  
Huntsville, Alabama 35801  
Attn: Huntsville Division President

**Beneficiary:**  
City of Huntsville, Alabama  
Clerk-Treasurer Office  
308 Fountain Circle  
Huntsville, AL 35801

**Applicant:**  
Wright Homes, LLC  
105 Von Braun Dr.  
Huntsville, AL 35806

**Bank:**  
BancorpSouth Bank  
201 South Spring St.  
P.O. Box 789  
Tupelo, MS 38802  
Attn: Trade Finance Dept.

**Subject:** Article 5 Sidewalk Letter of Credit for Legendwood Subdivision Phase III

**Amount:** \$24,992.00USD

Gentlemen:

We hereby issue our Irrevocable Standby Letter of Credit in your favor for the account of the above-stated applicant for a sum not to exceed the above-stated amount, available by one or more of your drafts drawn on sight at the above-stated address or at the Office of the BancorpSouth Bank in the City of Huntsville, Alabama.

All draft(s) drawn under and in compliance with the terms of this Letter of Credit will be duly honored if drawn and presented for payment on or before the expiration date noted above and accompanied by a signed statement from a representative of the City of Huntsville, Alabama stating: "This 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. 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 amended from time to time.

**BANCORPSOUTH BANK**

By: Nellie M. Miller  
Nellie M. Miller  
Its: Trade Finance Officer

OK  
CEA  
11/14/12

MW 10-30-12