

CITY COUNCIL AGENDA ITEM COVER MEMO

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

Meeting Type: Regular

Meeting Date: Jun 23, 2016

Action Requested By: Legal

Agenda Type: Resolution

Subject Matter:

Invoking Letter of Credit.

Exact Wording for the Agenda:

Resolution authorizing the Clerk-Treasurer to invoke National Bank of Commerce Letter of Credit No. 401165600 for Pebble Creek Phase II at River Landing.

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

Item to be considered for: Action

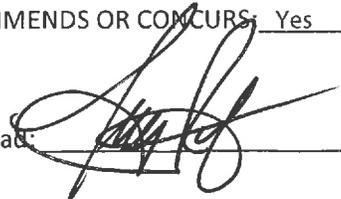
Unanimous Consent Required: No

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: 06/16/2016

**RESOLUTION NO. 16-\_\_\_\_\_**

**WHEREAS**, National Bank of Commerce issued a certain letter of credit (No. 401165600), 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 National Bank of Commerce Letter of Credit No. 401165600, prior to the expiration date thereof, with the language as specified in said Letter of Credit.

**ADOPTED** this the 23rd day of June, 2016.

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

**APPROVED** this the 23rd day of June, 2016.

\_\_\_\_\_  
Mayor of the City of  
Huntsville, Alabama



**Irrevocable Standby Letter of Credit No. 401165600**

**Beneficiary**

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

**Applicant**

Beadle Lane, LLC  
2101 West Clinton Avenue  
Suite 201  
Huntsville, AL 35805

**Bank**

National Bank of Commerce  
415 Meridian Street  
Huntsville, AL 35801

**Amount:** \$46,340.00

**Issue Date:** July 10, 2014

**Expiration Date:** July 10, 2016

*MS  
7/14/14*

**Re: Article 5 Sidewalk, Letter of Credit for Pebble Creek PH II at River Landing**

Gentlemen:

We hereby issue our Irrevocable Standby Letter of Credit in your favor effective July 10, 2014, for a sum not to exceed the aggregate of FOURTY SIX THOUSAND THREE HUNDRED FORTY DOLLARS AND NO/100 (\$46,340.00). 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 National Bank of Commerce in Huntsville, Alabama.

Each draft must be accompanied by a statement signed by an authorized 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 draft(s) drawn under and in compliance with the terms of the credit will be duly honored upon presentation and delivery of the documents 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.

  
\_\_\_\_\_  
W. Evans Quinlivan, President

*DK  
CE18  
7/18/14*

*on KCA  
7/18/14*