CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: 15.

Meeting Type: Regular

Meeting Date: Aug 11, 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 Servis1st Bank Letter of Credit Number 13780 for Hawks Ridge Estate 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: Aug 2, 2016

RESOLUTION NO. 16-_____

WHEREAS, Servis1st Bank issued a certain letter of credit (No. 13780), 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 Servis1st Bank Letter of Credit No. 13780, prior to the expiration date thereof, with the language as specified in said Letter of Credit.

ADOPTED this the 11th day of August, 2016.

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

APPROVED this the 11th day of August, 2016.

_____
Mayor of the City of
Huntsville, Alabama

SERVISFIRST BANK
Post Office Box 18127
Huntsville, Alabama 35804
T 256.722.7800 F 256.722.7810
servisfirstbank.com

AMENDMENT TO
IRREVOCABLE LETTER OF CREDIT NO. 13780

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

Account Party:
Harris Hill Development, LLC
Post Office Box12819
Huntsville, Alabama 35815

Bank:
ServisFirst Bank
401 Meridian Street
Huntsville, Alabama 35801

Place of Presentment/Expiry:
ServisFirst Bank
401 Meridian Street, Suite 100
Huntsville, AL 35801

Amount: **$34,860.00**
Issue Date: August 18, 2015
Expiration Date: August 18, 2016

Subject: Article 5 Sidewalks / Letter of Credit for Hawks Ridge Estates

Gentlemen:

We hereby reinstate and amend our Irrevocable Standby Letter of Credit in your favor, effective August 18, 2015, for sum not to exceed the aggregate of $34,860.00, 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 ServisFirst Bank.

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 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.

ServisFirst Bank

By: _____
John Hubbard, Credit Officer

OK
CEIO
9/3/15

JD 9-3-15 MW 9-2-15 MM 9-3-15

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AMENDMENT TO
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Beneficiary:
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401 Meridian Street
Huntsville, Alabama 35801

Place of Presentment/Expiry:
ServisFirst Bank
401 Meridian Street, Suite 100
Huntsville, AL 35801

Amount: **$34,860.00**
Issue Date: August 18, 2014
Expiration Date: August 18, 2015

Subject: Article 5 Sidewalks / Letter of Credit for Hawks Ridge Estates

Gentlemen:

We hereby reinstate and amend our Irrevocable Standby Letter of Credit in your favor, effective August 18, 2014, for sum not to exceed the aggregate of $34,860.00, 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 ServisFirst Bank.

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 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.

ServisFirst Bank

By:
John Hubbard, Credit Officer

MW 9-5-14 DS 9-8-14 DeKCA 9/12/14 OK CSK 9/15/14

SERVISFIRST BANK
Post Office Box 18127
Huntsville, Alabama 35804
T 256.722.7800 F 256.722.7810
servisfirstbank.com

AMENDMENT TO
IRREVOCABLE LETTER OF CREDIT NO. 13780

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

Account Party:
Harris Hill Development, LLC
Post Office Box12819
Huntsville, Alabama 35815

Servis 1st Bank

Bank:
ServisFirst Bank
401 Meridian Street
Huntsville, Alabama 35801

Place of Presentment/Expiry:
ServisFirst Bank
401 Meridian Street, Suite 100
Huntsville, AL 35801

Amount: **$34,860.00**
Issue Date: August 15, 2013
Expiration Date: August 15, 2014

Subject: Article 5 Sidewalks / Letter of Credit for Hawks Ridge Estates

Gentlemen:

We hereby amend our Irrevocable Standby Letter of Credit in your favor, effective August, 15 2013, for sum not to exceed the aggregate of $34,860.00, 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 ServisFirst Bank.

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 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.

ServisFirst Bank

By: _____
David Mathis, Senior Vice President

O/C
CEH
9/18/13

MW 9-12-13
DS 9-16-13
ou KCH
9/17/13

SERVISFIRST BANK
Post Office Box 18127
Huntsville, AL 35804
T 256.722.7800 F 256.722.7810
servisfirstbank.com

S/W
INT

IRREVOCABLE LETTER OF CREDIT NO. 13780

Servis 1st Bank

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

Account Party:
Harris Hill Development, LLC
4245 Balmoral Drive, Suite 201
Huntsville, Alabama 35801

Bank:
ServisFirst Bank
401 Meridian Street, Suite 100
Huntsville, Alabama 35801

Amount: $34,860.00
Issue Date: August 16, 2011
Expiration Date: August 16, 2013

Subject: Article 5 Sidewalks / Letter of Credit for Hawks Ridge Estates

Gentlemen:

We hereby open our Irrevocable Standby Letter of Credit in your favor, effective August 16,2011for sum not to exceed the aggregate of $34,860.00 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 ServisFirst Bank.

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 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.

ServisFirst Bank

By: _____
David Mathis, Senior Vice President

ok DS 8/16/11
OK KCA 8/19/11

OK
CEB
8/19/11