

## CITY COUNCIL AGENDA ITEM COVER MEMO

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

Meeting Type: Regular

Meeting Date: 4/11/2013

Action Requested By:  
Legal

Agenda Item 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. 400811600 for The Willows Phase 2 at River Landing 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: 4-2-13

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

WHEREAS, National Bank of Commerce issued a certain letter of credit (No. 400811600), 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. 400811600, prior to the expiration date thereof, with the language as specified in said Letter of Credit.

ADOPTED this the 11th day of April, 2013.

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

APPROVED this the 11th day of April, 2013.

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



**NATIONAL  
BANK of  
COMMERCE**

**Irrevocable Standby Letter of Credit**

**Beneficiary**

City of Huntsville  
Clerk-Treasurer Office  
P.O. Box 308  
Huntsville, AL 35804  
(hereinafter "City")

**Applicant**

River Bend Investments (AL) LLC  
2101 West Clinton Avenue  
Suite 501  
Huntsville, AL 35805  
(hereinafter "Developer")

**Bank**

National Bank of Commerce  
300 Randolph Avenue SE  
Huntsville, AL 35801

**Letter of Credit Number: 400811600**

**Amount: \$37,200.00**

**Issue Date: April 18, 2012**

**Expiration Date: April 18, 2013**

**Re: Article 5 Sidewalk, Letter of Credit for, The Willows Phase 2 at River Landing**

Gentlemen:

We hereby issue our Irrevocable Standby Letter of Credit in your favor for the account of River Bend Investments (AL), LLC effective April 18, 2012, for a sum not to exceed the aggregate of Thirty Seven Thousand Two Hundred and 00/100 (\$37,200.00) dollars 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 dually 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 of the City of Huntsville, Alabama.

The original of this letter of credit must be presented with any drawings.

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.

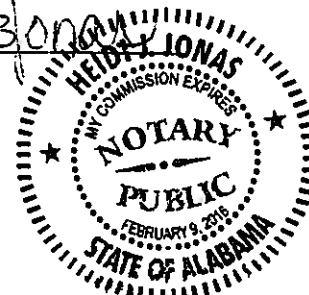
Issued By: National Bank of Commerce  
300 Randolph Avenue  
Huntsville, AL 35801

Brian K. Shelton, Vice President

Sworn to and subscribed before me on the  
18 day of April 2012

Heidi J. Jones

OK  
CCB  
5/18/12



M 5-11-12  
OK KCB  
5/17/12

MS 5/16/12



RBC Bank™

5/4  
94T

March 15, 2011

International Services - Standby L/C Unit  
200 Providence Rd., 3rd Floor  
Charlotte, NC 28207  
S.W.I.F.T.: CNTAUS33  
Tel.: 704-686-1467 or 704-686-1194  
Fax: 704-686-1498  
Toll-free: 1-800-938-6299

Amendment to Irrevocable Standby Letter of Credit Number SB004898

Beneficiary:  
City of Huntsville  
PO Box 308  
Huntsville, AL 35804

MS  
3/21/11

Applicant:  
River Bend Investments (AL) LLC  
2101 W. Clinton Ave., Suite 501  
Huntsville, AL 35805

RE: Article 5 Sidewalk Letter of Credit for The Willows Phase 2 at River Landing  
entlemen:

We hereby amend our above referenced letter of credit as follows:

-expiry date extended to May 27, 2012

-amount decreased by \$39,000.00 to a new aggregate total of \$45,630.00

All other terms and conditions remain unchanged.

Sincerely,

RBC Bank (USA)

Glenda A. Martin  
Authorized Signature

OK  
CC/2  
3/22/11

Clair D. Given  
Authorized Signature

MW 3-22-11  
OK KCA 3/22/11



RBC Bank™

Issue Date: May 27, 2009

Expiry Date: May 27, 2011

International Services - Standby L/C Unit  
200 Providence Rd., 3rd Floor  
Charlotte, NC 28207  
S.W.I.F.T.: CNTAUS33  
Tel.: 704-686-1467 or 704-686-1194  
Fax: 704-686-1498  
Toll-free: 1-800-938-6299

Irrevocable Standby Letter of Credit Number SB004898

**Beneficiary:**

City of Huntsville  
PO Box 308  
Huntsville, AL 35804

MS  
6/18/09

**Applicant:**

River Bend Investments (AL) LLC  
2101 W. Clinton Ave., Suite 501  
Huntsville, AL 35805

Re: Article 5 Sidewalk Letter of Credit for The Willows Phase 2 at River Landing

We hereby open our Irrevocable Standby Letter of Credit referenced above in your favor, as Beneficiary effective May 27, 2009, for the account of the above referenced Applicant up to the aggregate amount of \$84,630.00 (Eighty Four Thousand Six Hundred Thirty and 00/100 United States Dollars) available by payment of your draft(s) drawn at sight on us when accompanied by:

A signed statement by a representative of the City of Huntsville, Alabama reading: "This draw is being made pursuant to Article 5 of the Subdivision Regulations."

We hereby agree with you that all draft(s) drawn under and in compliance with the terms and conditions of this Credit shall be duly honored by us when presented, along with the required documentation and the original of this letter of credit, at our office located at 200 Providence Road, 3rd Floor, Charlotte, NC 28207 OR 100 Church Street, 3rd Floor, Huntsville, AL 35801 on or before the above stated expiry date.

Draft(s) drawn hereunder must state on their face "drawn under RBC Bank (USA) letter of credit number SB004898".

This Letter of Credit is subject to/and governed by the laws of the State of Alabama and the International Standby Practices ("ISP98"). International Chamber of Commerce (Publication No. 590) and in the event of any conflict, the Laws of the State of Alabama will control.

Sincerely,

RBC Bank (USA)

Chaise D. Niven  
Authorized Signature

OK  
CEA  
7/1/09

Crystal D. McCready  
Authorized Signature

OK TMB  
6/30/09

OK CEA  
6/30/09