

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: _____

Meeting Type: Regular

Meeting Date: May 28, 2015

Action Requested By: Legal

Agenda Type: Resolution

Subject Matter:

Invoke Letter of Credit.

Exact Wording for the Agenda:

Resolution authorizing the Clerk Treasurer to invoke Regions Bank Letter of Credit No. 55106534 for Olde Cobblestone Phase 3 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.

[Empty box for providing details on why the action is required, why it is recommended, what council action will provide, allow and accomplish, and any other helpful information.]

Associated Cost: _____

Budgeted Item: Not Applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head:  _____

Date: May 20, 2015

RESOLUTION NO. 15-_____

WHEREAS, Regions Bank issued a certain letter of credit (No. 55106534), 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 Regions Bank Letter of Credit No. 55106534, prior to the expiration date thereof, with the language as specified in said Letter of Credit.

ADOPTED this the 28th day of May, 2015.

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

APPROVED this the 28th day of May, 2015.

Mayor of the City of
Huntsville, Alabama

REGIONS

Older Cobblestone 3
sidewalks

201 MILAN PARKWAY, 1ST FLOOR, BIRMINGHAM, AL 35211.
S.W.I.F.T. UPNBUS44MIA TELEX 6737871 UPBMIA
PHONE (866)828-6928 FAX (205)420-6019

DATE: MAY 22, 2014

L/C NUMBER: 55106534
AMENDMENT NUMBER: 01

BENEFICIARY:
CITY OF HUNTSVILLE
308 FOUNTAIN CIRCLE
HUNTSVILLE, AL 35801

OPENER:
COVINGTON AND CO., INC.
2049 MAX LUTHER DRIVE, NW
HUNTSVILLE, AL 35810

WE HAVE AMENDED THE CAPTIONED LETTER OF CREDIT AT THE REQUEST THE
OPENER'S REQUEST.

TERMS AND CONDITIONS AS AMENDED:

THIS AMENDMENT IS SUBJECT TO RECEIPT OF BENEFICIARY'S CONSENT. PLEASE
CONFIRM YOUR CONSENT TO US BY COMPLETING THE ENCLOSED BENEFICIARY'S
CONSENT TO THE AMENDMENT FORM BY MAIL.

AMOUNT DECREASED BY: USD \$18,810.00
NEW BALANCE: USD \$17,750.00

EXPIRATION DATE AMENDED TO: JUNE 10, 2015.

AMEND APPLICANT ADDRESS FROM:
8701 BELLEWOOD LANE NW
MADISON, ALABAMA 35756

AMEND APPLICANT ADDRESS TO:
2049 MAX LUTHER DRIVE, NW
HUNTSVILLE, ALABAMA 35810

THIS AMENDMENT MUST BE ATTACHED TO AND BECOME AN INTEGRAL PART OF THE
ORIGINAL CREDIT. ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.

SINCERELY


(AUTHORIZED SIGNATURE)

✓ ACCEPT THE TERMS AND CONDITIONS OF THE ABOVE-REFERENCED
AMENDMENT.

DO NOT ACCEPT THE TERMS AND CONDITIONS OF THE ABOVE-
REFERENCED AMENDMENT AND ARE HEREBY RETURNING THE
ORIGINAL AMENDMENT TO YOU.


CITY OF HUNTSVILLE

MW 5-27-14

MS
5/29/14

DAKCA
6/7/14

OK
CEIX
6/6/14

REGIONS®

201 MILAN PARKWAY, 1ST FLOOR, BIRMINGHAM, AL 35211.
S.W.I.F.T. UPNBUS44MIA TELEX 6737871 UPBMIA
PHONE (866)828-6928 FAX (205)420-6019

IRREVOCABLE STANDBY LETTER OF CREDIT NO. 55106534
DATE: JUNE 10, 2013

OPENER:
COVINGTON AND CO., INC.
8701 BELLEWOOD LANE NW
MADISON, ALABAMA 35756

BENEFICIARY:
CITY OF HUNTSVILLE
308 FOUNTAIN CIRCLE
HUNTSVILLE, AL 35801

SUBJECT: ARTICLE 5 SIDEWALK, LETTER OF CREDIT FOR OLDE
COBBLESTONE SUBDIVISION, PHASE 3

AMOUNT: USD \$36,560.00
EXPIRATION DATE: JUNE 10, 2014

GENTLEMEN:

WE HEREBY OPEN OUR IRREVOCABLE STANDBY LETTER OF CREDIT IN YOUR FAVOR,
EFFECTIVE JUNE 10, 2013, FOR A SUM NOT TO EXCEED THE AGGREGATE OF USD
\$36,560.00, 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 DRAW AND
PRESENTED FOR PAYMENT TO REGIONS BANK.

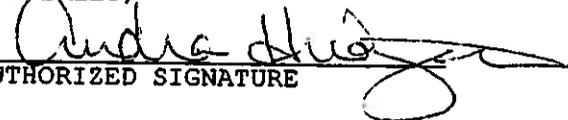
EACH DRAFT MUST BE ACCOMPANIED BY A STATEMENT SIGNED BY A REPRESENTATIVE
OF THE CITY OF HUNTSVILLE, ALABAMA, STATING THAT THE DRAW IS BEING MADE
PURSUANT TO ARTICLE 5 OF THE SUBDIVISION REGULATIONS.

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 AT REGIONS BANK, BRANCH MANAGER, 200 CLINTON
AVENUE WEST, 2ND FLOOR, HUNTSVILLE, AL 35801.

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.

SINCERELY,


AUTHORIZED SIGNATURE

Page 1 of 1

MS
7/22/13

oa
RCA 7/26/13

OK
CEH
7/31/13