



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 4/27/2023

File ID: TMP-2892

Department: Legal

Subject:

Type of Action: Approval/Action

Resolution authorizing the City Clerk to invoke BancorpSouth Letter of Credit No. 362000993772 for Lyla's Gate Phase 1 at McMullen Cove Subdivision.

Type of Document: Resolution No.

Finance Information:

Account Number: NA

City Cost Amount: NA

Total Cost: NA

Special Circumstances:

Grant Funded: NA

Grant Title - CFDA or granting Agency: NA

Resolution #: NA

Location: (list below)

Address: Lyla's Gate Phase 1 at McMullen Cove Subdivision.

District: District 1 ☐ District 2 ☐ District 3 ☐ District 4 ☐ District 5 ☐

Additional Comments:



Amendment Number 002
To
Irrevocable Standby Letter of Credit
BancorpSouth Bank, a Division of Cadence Bank
Tupelo, Mississippi

Amendment Number 002 Date: May 6, 2022
Amendment Number 001 Date: May 5, 2021
Original Letter of Credit Issuance Date: May 9, 2019
Irrevocable Standby Letter of Credit Number: 362000993772

Beneficiary:

City of Huntsville
308 Fountain Circle
SW Huntsville, AL 35801

Applicant:

Enfinger Development LLC
8624 Memorial Pkwy
Huntsville, AL 35802

Subject: Article 5 Sidewalk Letter of Credit for Lyla's Gate Subdivision – Phase 1 at McMullen Cove

Dear Sir or Madam:

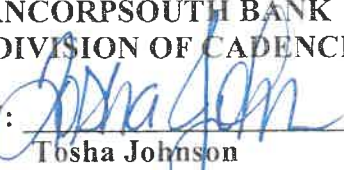
The above referenced Irrevocable Standby Letter of Credit together with each amendment thereto, (collectively the "Letter of Credit") in the aggregate amount of \$19,000.00 is hereby amended on the indicated Amendment Number 002 Date as follows:

- The Expiration Date is extended from **May 8, 2022** to **May 8, 2023**.
- Letter of Credit Amount is hereby decreased by USD \$11,500.00, to an aggregate amount available not to exceed USD \$7,500.00.

ALL OTHER TERMS AND CONDITIONS STATED IN THE AFOREMENTIONED LETTER OF CREDIT REMAIN UNCHANGED.

This amendment forms an integral part of the Letter of Credit and must be attached thereto. The Beneficiary is requested to notify us promptly if this amendment is not accepted by the Beneficiary.

**BANCORPSOUTH BANK
A DIVISION OF CADENCE BANK**

BY: 

Tosha Johnson

ITS: Bank Officer

MW 5-10-22
MM 5/10/22

1(-B) / 5/10/22



Amendment Number 001
To
Irrevocable Standby Letter of Credit
BancorpSouth Bank
Tupelo, Mississippi

Amendment Number 001 Date: May 5, 2021
Original Letter of Credit Issuance Date: May 9, 2019
Irrevocable Standby Letter of Credit Number: 362000993772

Beneficiary:
City of Huntsville
308 Fountain Circle
SW Huntsville, AL 35801

Applicant:
Enfinger Development LLC
8624 Memorial Pkwy
Huntsville, AL 35802

Subject: Article 5 Sidewalk Letter of Credit for Lyla's Gate Subdivision – Phase 1 at McMullen Cove

Dear Sir or Madam:

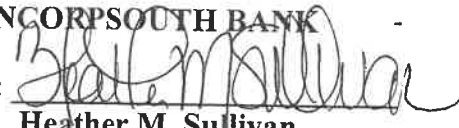
The above referenced Irrevocable Standby Letter of Credit (the "Letter of Credit") in the aggregate amount of \$47,539.50 is hereby amended on the indicated Amendment Number 001 Date as follows:

- The Expiration Date is extended from **May 8, 2021** to **May 8, 2022**.
- Letter of Credit Amount is hereby decreased by USD \$28,539.50, to an aggregate amount available not to exceed USD \$19,000.00.

ALL OTHER TERMS AND CONDITIONS STATED IN THE AFOREMENTIONED LETTER OF CREDIT REMAIN UNCHANGED.

This amendment forms an integral part of the Letter of Credit and must be attached thereto. The Beneficiary is requested to notify us promptly if this amendment is not accepted by the Beneficiary.

BANCORPSOUTH BANK

BY: 
Heather M. Sullivan

ITS: Vice President

MM 5-7-21

XB 5/7/21

MM 5/7/21



IRREVOCABLE STANDBY LETTER OF CREDIT

Date of Issuance: May 9, 2019

No.: 362000993772

Place of Issuance: BancorpSouth Bank
2778 West Jackson St.
Building C
Tupelo, MS 38802
Attn: Trade Finance Department

Date of Expiry: May 8, 2021

Place of Presentment/Expiry: BancorpSouth Bank
401 Franklin Street
Huntsville, Alabama 35801
Attn: Huntsville Division President

Beneficiary:

City of Huntsville
308 Fountain Circle
Huntsville, AL 35801

Account Party:

Enfinger Development LLC
8624 Memorial Pkwy SW
Huntsville, AL 35802

Bank:

BancorpSouth Bank
2778 West Jackson St.
Building C
Tupelo, MS 38802

Subject: Article 5 Sidewalk Letter of Credit for Lyla's Gate Subdivision- Phase 1 at McMullen Cove

Amount: \$47,539.50 USD

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 Irrevocable Standby 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 Irrevocable Standby 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:


Heather M. Sullivan

Its: Assistant Vice President

MM 6/10/19 ORC 6/13/19 7/13 6/19/19

RESOLUTION NO. 23-_____

WHEREAS, BancorpSouth issued a certain letter of credit (No. 362000993772) 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 City Clerk be and is hereby authorized to present for payment to BancorpSouth Letter of Credit No. 362000993772, prior to the expiration date thereof, with the language as specified in said Letter of Credit.

ADOPTED this the 27th day of April, 2023.

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

APPROVED this the 27th day of April, 2023.

Mayor of the City of
Huntsville, Alabama