



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 7/13/2023

File ID: TMP-3102

Department: Legal

Subject:

Type of Action: Approval/Action

Resolution authorizing the City Clerk to invoke CB&S Bank Letter of Credit No. 555838 for Merrimack Subdivision Phase 2.

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: Merrimack Phase 2 Subdivision

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

Additional Comments:

RESOLUTION NO. 23-_____

WHEREAS, CB&S Bank issued a certain letter of credit (No. 555838) 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 CB&S Bank Letter of Credit No. 555838, prior to the expiration date thereof, with the language as specified in said Letter of Credit.

ADOPTED this the 13th day of July, 2023.

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

APPROVED this the 13th day of July, 2023.

Mayor of the City of
Huntsville, Alabama



IRREVOCABLE LETTER OF CREDIT NO. 555838

Beneficiary:

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

Account Party:

New Castle Development Enterprises, LLC
PO Box 100
Madison, AL 35758

Bank:

CB&S Bank
521 Madison St SE
Huntsville, AL 35801

Subject: Merrimack Subdivision Phase II - Sidewalks

Amount: \$117,200

Issue Date: July 21, 2022

Expiration Date: July 21, 2023

Gentlemen:

We hereby open our Irrevocable Standby Letter of Credit in your favor effective, July 21, 2022 for a sum not to exceed the aggregate of \$117,200. 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 CB&S 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 as 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.



Scott Wagnon
First Vice President

MW 7-25-22

MM 7/25/22
MM 7-25-22

LO 7/25/22