



Huntsville, Alabama

305 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 6/13/2024

File ID: TMP-4239

Department: Legal

Subject:

Type of Action: Approval/Action

Resolution authorizing the City Clerk to invoke Progress Bank Letter of Credit Number 8000010440 for Sage Creek Phase 2 Subdivision.

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: Sage Creek Phase 2 Subdivision

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

Additional Comments:

RESOLUTION NO. 24-_____

WHEREAS, Progress Bank issued a certain letter of credit (No. 8000010440), 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 Progress Bank Letter of Credit No. 8000010440, prior to the expiration date thereof, with the language as specified in said Letter of Credit.

ADOPTED this the 13th day of June, 2024.

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

APPROVED this the 13th day of June, 2024.

Mayor of the City of
Huntsville, Alabama

201 Williams Avenue
Huntsville, Alabama 35801
Phone 256.319.3600

IRREVOCABLE LETTER OF CREDIT NO 8000010440

Beneficiary:

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

Account Party:

Jeff Benton Development Inc
809 Shoney Drive Ste 200
Huntsville, AL 35763

Bank:

Progress Bank and Trust
201 Williams Avenue
Huntsville, AL 35801

Subject: Article 5 Sidewalk, Letter of Credit Sage Creek Phase 2

Amount: \$92,450.00
Issue Date: 6/28/22
Expiration Date: 6/28/24

Gentlemen:

We hereby issue our Irrevocable Standby Letter of Credit #8000010440 in your favor, effective **June 28, 2022** for a sum not to exceed **\$92,450.00**. 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 Progress Bank and Trust, 201 Williams Avenue, Huntsville, Alabama 35801.

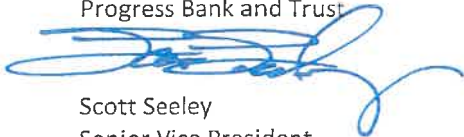
Each draft must be accompanied by a statement signed by a representative of the City of Huntsville, Alabama, stating that the draw is being made pursuant to Article 5 of the Subdivision Regulations.

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.

Progress Bank and Trust



Scott Seeley
Senior Vice President

Sworn to and subscribed before me this 24 day of June, 2022

Notary Public Jusa Wallace



DB 27-2022

*MW 7-8-22
A 7-8-22*

1/3 7/11/22