



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 11/10/2022

File ID: TMP-2230

Department: City Attorneys Office

Subject:

Type of Action: Approval/Action

Resolution authorizing the Clerk-Treasurer to invoke Bank Independent Letter of Credit No. 30011930 for Hickory Cove Phase 1 at Mountain Preserve 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:

Address: Hickory Cove Phase 1 at Mountain Preserve

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

Additional Comments:

RESOLUTION NO. 22-_____

WHEREAS, Bank Independent issued a certain letter of credit (No. 30011930) 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 Bank Independent Letter of Credit No. 30011930, prior to the expiration date thereof, with the language as specified in said Letter of Credit.

ADOPTED this the 10th day of November, 2022.

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

APPROVED this the 10th day of November, 2022.

Mayor of the City of
Huntsville, Alabama

IRREVOCABLE LETTER OF CREDIT #30011930

BENEFICIARY:

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

ACCOUNT PARTY:

Enfinger Development, LLC
8624 South Memorial Pkwy
Huntsville, AL 35802

BANK:

Bank Independent
PO Box 5000
Sheffield, AL 35660
c/o Huntsville Branch
132 Holmes Avenue NW
Huntsville, AL 35801

Subject: Article 5 Improvements / Sidewalk Letter of Credit for:
Hickory Cove Phase 1 at Mountain Preserve

Amount: \$56,450.00

Issue Date: November 18, 2020

Expiration Date: November 18, 2022

Gentlemen:

We hereby open our Irrevocable Standby Letter of Credit in your favor, effective November 18, 2020, for a sum not to exceed the aggregate of \$56,450.00. 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 Bank Independent.

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.

Sincerely,



Tim Singleton Jr.
Huntsville Area President

MW 12-1-20
MM 11/10/2020

1/10 12/2/20