



Huntsville, Alabama

308 Fountain Circle
Huntsville, AL 35801

Cover Memo

Meeting Type: City Council Regular Meeting **Meeting Date:** 4/13/2023

File ID: TMP-2759

Department: Legal

Subject:

Type of Action: Approval/Action

Resolution authorizing the City Clerk to invoke Bank Independent Letter of Credit No. 30016388 for the Retreat at Abbingdon Phase 1 Subdivision.

Type of Document: Resolution No.

Finance Information:

Account Number: TBD

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: The Retreat at Abbingdon Subdivision

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

Additional Comments:

RESOLUTION NO. 23-_____

WHEREAS, Bank Independent issued a certain letter of credit (No. 30016388) 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 Bank Independent Letter of Credit No. 30016388, prior to the expiration date thereof, with the language as specified in said Letter of Credit.

ADOPTED this the 13th day of April, 2023.

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

APPROVED this the 13th day of April, 2023.

Mayor of the City of
Huntsville, Alabama



IRREVOCABLE LETTER OF CREDIT NO. 30016388

Beneficiary:

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

Account Party:

Diltina Development Corporation
7545 AL Highway 72 W
Madison, AL 35758

Bank:

Bank Independent
PO Box 5000
Sheffield AL 35660
C/O Huntsville Branch

Subject: Article 5 Sidewalk, Letter of Credit for: Retreat at Abbingdon

Amount: \$7,452.72

Issue Date: 04/20/2022

Expiration Date: 04/20/2023

Gentlemen:

We hereby amend our Irrevocable Standby Letter of Credit in your favor, effective April 20, 2022, for a sum not to exceed the aggregate of \$7,452.72. 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 – Huntsville Downtown Square 123 North Side Square Ste 300, Huntsville AL 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 amend 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,

Amanda Hicks
AVP Sales Officer MC

MN 429-22 KB 4/29/22