



JORGE A. CALDERON
Planning Director

PLANNING DEPARTMENT OF WEBB COUNTY, TEXAS

• 1110 Washington St., Suite 302 • Laredo, TX 78040 • Phone: (956) 523-4100 • Fax: (956) 523-5008 •

November 7, 2023

Mr. Ramiro Ibarra
Slay Engineering Company, Inc.
9901 McPherson Ave., Suite 104
Laredo, Texas 78045

RE: Gateway Unit 1 Subdivision, Expiration of Irrevocable Standby Letter of Credit No. SBP702794

Dear Mr. Ibarra,

Please be advised that Letter of Credit No. SBP702794 (copy attached) in the amount of \$5,605,547.44, for the above referenced plat, is scheduled to expire Wednesday December 6, 2023. Since the current financial guarantee is expiring and public improvements are still pending completion, we are requesting an amendment be submitted to our office no later than 9:00 a.m. on Monday, November 27, 2023. If an amendment is not received by the necessary date, the County will be required to draw the funds for the completion of the project.

If you have any questions, please contact us at 956-523-4100.

Respectfully,

A handwritten signature in blue ink, appearing to be "Jorge A. Calderon", written over a horizontal line.

Jorge A. Calderon, CFM
Planning Director/Floodplain Administrator



Letters of Credit Department
 1200 San Bernardo Ave.
 Laredo, TX 78040
 Tel: (956) 722-7611 Ext. 26442 Fax: (956) 794-8142
 Email: lcdepartment@ibc.com SWIFT: IBCLUS44
 Member International Bancshares Corporation-Member FDIC

COUNTY OF WEBB
 1000 HOUSTON STREET
 LAREDO, TX 78040

IRREVOCABLE STANDBY LETTER OF CREDIT NO.: SBP702794

ISSUED IN LAREDO, TEXAS ON DECEMBER 06, 2022

BENEFICIARY:
 COUNTY OF WEBB
 1000 HOUSTON STREET
 LAREDO, TX 78040

APPLICANT:
 GATEWAY CORE EQUITY, LTD.
 182 STABLE ROAD
 LAREDO, TX, 78045

AMOUNT: USD 5,605,547.44
 FIVE MILLION SIX HUNDRED FIVE THOUSAND FIVE HUNDRED FORTY-SEVEN AND
 44/100 U.S. DOLLARS.

DATE AND PLACE OF EXPIRY:
 DECEMBER 06, 2023 AT OUR COUNTERS IN LAREDO, TEXAS.

CREDIT AVAILABLE WITH INTERNATIONAL BANK OF COMMERCE, LAREDO TEXAS, BY
 PAYMENT AGAINST PRESENTATION OF THE DOCUMENTS DETAILED HEREIN AND OF YOUR
 DRAFT(S) AT SIGHT "DRAWN ON INTERNATIONAL BANK OF COMMERCE, LAREDO TEXAS
 IRREVOCABLE STANDBY LETTER OF CREDIT NO.: SBP702794".

WHEN ACCOMPANIED BY THE FOLLOWING DOCUMENTS:

1. ORIGINAL LETTER OF CREDIT AND ORIGINAL AMENDMENTS, IF ANY.
2. ORIGINAL STATEMENT SIGNED BY THE CITY ENGINEER FOR THE COUNTY OF WEBB
 CERTIFYING THAT THE FUNDS DRAWN UNDER THIS LETTER OF CREDIT ARE NEEDED TO
 PAY FOR THE COMPLETION OF ALL OR ANY OF THE FOLLOWING IMPROVEMENTS:

TYPE OF SITE IMPROVEMENT	ESTIMATED COST	
STREET PAVING	USD	4,237,617.46
STORM DRAINAGE SYSTEM	USD	718,144.00
MISCELLANEOUS	USD	4,900.00
TOTAL CONSTRUCTION	USD	4,960,661.46
ENGINEERING FEE (10%)	USD	496,066.14
TESTING (3%)	USD	148,819.84
TOTAL	USD	5,605,547.44



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IN CONJUNCTION WITH GATEWAY UNIT I (SUBDIVISION) AND FURTHER THAT GATEWAY CORE EQUITY, LTD., 182 STABLE ROAD, LAREDO, TX, 78045 PHONE NO.: (956) 744-4974 ATTN.: MR. KURT DRAUS, PRESIDENT (SUBDIVIDER) HAS FAILED TO COMPLETE THE WORK STATED. SUCH DEMANDS WILL BE HONORED IF PRESENTED AT THIS OFFICE ON OR BEFORE EXPIRATION DATE OF THIS LETTER OF CREDIT, SUCH DATE BEING DECEMBER 6, 2023.

SPECIAL CONDITIONS:

1. PARTIAL DRAWINGS ARE PERMITTED.
2. ALL DOCUMENTS MUST BE SENT TO INTERNATIONAL BANK OF COMMERCE, 1200 SAN BERNARDO AVENUE, LAREDO, TX 78040, ATTENTION LETTERS OF CREDIT DEPARTMENT IN ONE MAILING BY COURIER SERVICE.

REIMBURSEMENT INSTRUCTIONS:

PAYMENT TO BE EFFECTED PER YOUR INSTRUCTIONS AGAINST CONFORMING DOCUMENTS PRESENTED AT OUR COUNTERS.

THIS LETTER OF CREDIT REPRESENTS THE FINAL AGREEMENT BETWEEN THE PARTIES AND MAY NOT BE CONTRADICTED BY EVIDENCE OF PRIOR, CONTEMPORANEOUS, OR SUBSEQUENT ORAL AGREEMENT OF THE PARTIES. THERE ARE NO UNWRITTEN ORAL AGREEMENTS BETWEEN THE PARTIES. THIS LETTER OF CREDIT SHALL BE GOVERNED BY THE PROVISIONS OF CHAPTER 5 OF THE TEXAS BUSINESS AND COMMERCE CODE IN EFFECT, AND, TO THE EXTENT NOT INCONSISTENT THEREWITH, THE UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDIT (2007 REVISION) INTERNATIONAL CHAMBER OF COMMERCE (PUBLICATION NO. 600). ANY DISPUTES ARISING HEREUNDER SHALL BE GOVERNED BY ARBITRATION IN ACCORDANCE WITH THE ARBITRATION TERMS SET FORTH IN THE APPLICATION AND AGREEMENT FOR STANDBY CREDIT, WHICH IS INCORPORATED HEREIN FOR ALL PURPOSES. THERE SHALL BE NO REVISIONS, MODIFICATIONS, ADDITIONS OR ALTERATIONS TO THE ORIGINAL UNDERLYING DOCUMENTS BETWEEN APPLICANT AND BENEFICIARY WHICH GIVES RISE TO THIS LETTER OF CREDIT.

WE HEREBY ENGAGE WITH YOU THAT DRAFT(S) DRAWN UNDER AND IN COMPLIANCE WITH THE TERMS OF THIS LETTER OF CREDIT WILL BE DULY HONORED IF DRAWN, AND PRESENTED FOR PAYMENT WITH ALL REQUIRED DOCUMENTS AT THIS OFFICE ON OR BEFORE THE EXPIRATION DATE OF THIS LETTER OF CREDIT. THIS LETTER OF CREDIT MUST BE SURRENDERED TO ISSUER FOR ENDORSEMENT WITH THE DRAFT WHICH EXHAUSTS IT.

NATIVIDO LOZANO III
EXECUTIVE VICE PRESIDENT

Vernon's Texas Statutes and Codes Annotated
Business and Commerce Code (Refs & Annos)
Title 1. Uniform Commercial Code (Refs & Annos)
Chapter 5. Letters of Credit (Refs & Annos)

V.T.C.A., Bus. & C. § 5.104

§ 5.104. Formal Requirements

Currentness

A letter of credit, confirmation, advice, transfer, amendment, or cancellation may be issued in any form that is a record and is authenticated:

(1) by a signature; or

(2) in accordance with the agreement of the parties or the standard practice referred to in Section 5.108(e).

Credits

Acts 1967, 60th Leg., p. 2343, ch. 785, § 1, eff. Sept. 1, 1967. Amended by Acts 1999, 76th Leg., ch. 4, § 1, eff. Sept. 1, 1999.

Editors' Notes

UNIFORM COMMERCIAL CODE COMMENT

2021 Main Volume

1. Neither Section 5-104 nor the definition of letter of credit in Section 5-102(a)(10) requires inclusion of all the terms that are normally contained in a letter of credit in order for an undertaking to be recognized as a letter of credit under Article 5. For example, a letter of credit will typically specify the amount available, the expiration date, the place where presentation should be made, and the documents that must be presented to entitle a person to honor. Undertakings that have the formalities required by Section 5-104 and meet the conditions specified in Section 5-102(a)(10) will be recognized as letters of credit even though they omit one or more of the items usually contained in a letter of credit.

2. The authentication specified in this section is authentication only of the identity of the issuer, confirmer, or adviser.

An authentication agreement may be by system rule, by standard practice, or by direct agreement between the parties. The reference to practice is intended to incorporate future developments in the UCP and other practice rules as well as those that may arise spontaneously in commercial practice.

3. Many banking transactions, including the issuance of many letters of credit, are now conducted mostly by electronic means. For example, S.W.I.F.T. is currently used to transmit letters of credit from issuing to advising banks. The letter of credit text so transmitted may be printed at the advising bank, stamped "original" and provided to the beneficiary in that form. The printed document may then be used as a way of controlling and recording payments and of recording and authorizing assignments of proceeds or transfers of rights under the letter of credit. Nothing in this section should be construed to conflict with that practice.

§ 5.104. Formal Requirements, TX BUS & COM § 5.104

To be a record sufficient to serve as a letter of credit or other undertaking under this section, data must have a durability consistent with that function. Because consideration is not required for a binding letter of credit or similar undertaking (Section 5-105) yet those undertakings are to be strictly construed (Section 5-108), parties to a letter of credit transaction are especially dependent on the continued availability of the terms and conditions of the letter of credit or other undertaking. By declining to specify any particular medium in which the letter of credit must be established or communicated, Section 5-104 leaves room for future developments.

Notes of Decisions (3)

V. T. C. A., Bus. & C. § 5.104, TX BUS & COM § 5.104

Current through the end of the 2021 Regular and Called Sessions of the 87th Legislature.

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