

**Catawba County: Municipality Approval of Utility Installation Form**

The developer \_\_\_\_\_ is requesting a final approval of the \_\_\_\_\_  
\_\_\_\_\_ subdivision in Catawba County. One of the conditions for final approval involves a completed  
utility installation for public (water / sewer) lines.

Would you please verify that the installation of \_\_\_\_\_  
\_\_\_\_\_ is complete to your standards by completing the form below and sending it back to Catawba County at the address below.

Thank you for your assistance.

Municipality \_\_\_\_\_

Type of Improvements completed \_\_\_\_\_

Approving authority Name/Title \_\_\_\_\_

Approving authority signature \_\_\_\_\_

Date of completion \_\_\_\_\_

Catawba County Planning, Parks, and Development  
PO Box 389  
Newton, NC 28658

**Catawba County Performance Guarantee Agreement for Corporation**

STATE OF NORTH CAROLINA, COUNTY OF CATAWBA

THIS AGREEMENT MADE AND ENTERED INTO this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_ (Developer) hereinafter known as "Developer", and between the Catawba County Director of Planning, Parks and Development, hereinafter known as "Director", which Director is also a duly constituted agent of Catawba County.

**WITNESSETH**

WHEREAS, Developer is attempting to secure from Director, approval of a Final Plat / Final Plan (circle one that applies) of a proposed development to be known as \_\_\_\_\_ located in Catawba County, North Carolina; and

WHEREAS, a County Ordinance entitled Unified Development Ordinance (UDO) of Catawba County, as adopted by the Board of Commissioners of Catawba County on the 5<sup>th</sup> day of February, 2007, (and as subsequently amended), requires the completion of certain improvements prior to Final Plat / Final Plan (circle one that applies) approval by Director; and

WHEREAS, the UDO also allows Director, at his/her discretion, to permit Developer to provide one of the following: (circle one that applies)

- 1. A Certified Check or Cash
- 2. A Letter of Credit
- 3. A Surety Bond

To be held in escrow with the County Manager as escrow agent, with Catawba County through Director to guarantee the completion of the required improvements; and

WHEREAS, Director desires to approve said Final Plat / Final Plan (circle one that applies) and, in lieu of requiring completion of all improvements prior to approval, will accept from Developer the filing of all improvements prior to approval, a certified check / letter of credit from \_\_\_\_\_ Bank / surety bond (circle one that applies) to guarantee and secure completion of said improvements.

**THE PARTIES AGREE TO THE FOLLOWING:**

1. Developer shall on or before the \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, complete as required the following improvements in the \_\_\_\_\_ Development: (detail improvements)\_\_\_\_\_

2. Developer shall file with Catawba County through the Director of Planning, Parks and Development, a certified check / letter of credit / surety bond (circle one that applies)\_\_\_\_\_ in the amount of \_\_\_\_\_ securing and guaranteeing completion of the improvements by the required date; and Director has, by appropriate action, caused this Agreement to be reviewed for approval by the County Attorney, and the Corporation has, by appropriate action of its Board of Directors, caused this Agreement to be executed by its President, under corporate seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

By: \_\_\_\_\_  
County Attorney

By: \_\_\_\_\_  
Director of Planning, Parks and Development

By: \_\_\_\_\_  
President

Name, Address and telephone number of Developer/Owner:

President/Principal: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

\_\_\_\_\_ County, North Carolina

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

\_\_\_\_\_  
name(s) of principal(s)

\_\_\_\_\_  
name(s) of principal(s)

Date: \_\_\_\_\_

Official Signature of Notary

\_\_\_\_\_  
Notary's printed or typed name, Notary Public

\_\_\_\_\_  
[Official Seal]

My commission expires:

**Catawba County Performance Guarantee Agreement for LLC**

STATE OF NORTH CAROLINA, COUNTY OF CATAWBA

THIS AGREEMENT MADE AND ENTERED INTO this the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, by \_\_\_\_\_ (Developer) hereinafter known as "Developer", and between the Catawba County Director of Planning, Parks and Development, hereinafter known as "Director", which Director is also a duly constituted agent of Catawba County.

**W I T N E S S E T H**

WHEREAS, Developer is attempting to secure from Director, approval of a Final Plat / Final Plan (circle one that applies) of a proposed development to be known as the \_\_\_\_\_, located in Catawba County, North Carolina; and

WHEREAS, a County Ordinance entitled Unified Development Ordinance (UDO) of Catawba County, as adopted by the Board of Commissioners of Catawba County on the 5th day of February, 2007, (and as subsequently amended), requires the completion of certain improvements prior to Final Plat / Final Plan (circle one that applies) approval by Director; and

WHEREAS, the UDO also allows Director, at his/her discretion, to permit Developer to provide one of the following: (circle one that applies)

- 1. A Certified Check or Cash
- 2. A Letter of Credit
- 3. A Surety Bond

To be held in escrow with the County Manager as escrow agent, with Catawba County through Director to guarantee the completion of the required improvements; and

WHEREAS, Director desires to approve said Final Plat / Final Plan (circle one that applies) and, in lieu of requiring completion of all improvements prior to approval, will accept from Developer the filing of all improvements prior to approval, a certified check / letter of credit from \_\_\_\_\_ Bank / surety bond (circle one that applies) to guarantee and secure completion of said improvements.

**THE PARTIES AGREE TO THE FOLLOWING:**

1. Developer shall on or before the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, complete as required the following improvements in the \_\_\_\_\_ Development:(detail improvements) \_\_\_\_\_

2. Developer shall file with Catawba County through the Director of Planning, Parks, and Development s, a certified check / letter of credit / surety bond (circle one that applies) in the amount of \_\_\_\_\_ securing and guaranteeing completion of the improvements by the required date; and Director has, by appropriate action, caused this Agreement to be reviewed for approval by the County Attorney, and the company has, by appropriate action of its Members or Managers, caused this Agreement to be approved and to be executed by a Member or Manager. This the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_

By: \_\_\_\_\_  
County Attorney

By: \_\_\_\_\_  
Director of Planning, Parks and Development

By: \_\_\_\_\_  
Member/Manager

Address and telephone number of Developer/Owner:

Address: \_\_\_\_\_ Telephone: ( \_\_ ) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF NORTH CAROLINA COUNTY OF CATAWBA

I, \_\_\_\_\_, a Notary Public for said County and State, do hereby certify that \_\_\_\_\_ personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the \_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary

My commission expires \_\_\_\_\_, 20\_\_

(Seal)

**Catawba County Performance Guarantee Agreement for Individual**

STATE OF NORTH CAROLINA, COUNTY OF CATAWBA

THIS AGREEMENT MADE AND ENTERED INTO this the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, by \_\_\_\_\_ (Developer) hereinafter known as "Developer", and between the Catawba County Director of Planning, Parks and Development, hereinafter known as "Director", which Director is also a duly constituted agent of Catawba County.

WITNESSETH

WHEREAS, Developer is attempting to secure from Director, approval of a Final Plat / Final Plan (circle one that applies) of a proposed development to be known as the \_\_\_\_\_, located in Catawba County, North Carolina; and

WHEREAS, a County Ordinance entitled Unified Development Ordinance (UDO) of Catawba County, as adopted by the Board of Commissioners of Catawba County on the 5<sup>th</sup> day of February, 2007, (and as subsequently amended), requires the completion of certain improvements prior to Final Plat / Final Plan (circle one that applies) approval by Director; and

WHEREAS, the UDO also allows Director, at his/her discretion, to permit Developer to provide one of the following: (circle one that applies)

- 1. A Certified Check or Cash
- 2. A Letter of Credit
- 3. A Surety Bond

To be held in escrow with the County Manager as escrow agent, with Catawba County through Director to guarantee the completion of the required improvements; and

WHEREAS, Director desires to approve said Final Plat / Final Plan (circle one that applies) and, in lieu of requiring completion of all improvements prior to approval, will accept from Developer the filing of all improvements prior to approval, a certified check / letter of credit from \_\_\_\_\_ Bank / surety bond (circle one that applies) to guarantee and secure completion of said improvements.

THE PARTIES AGREE TO THE FOLLOWING:

1. Developer shall on or before the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, complete as required the following improvements in the \_\_\_\_\_ Development:

\_\_\_\_\_

2. Developer shall file with Catawba County through the Director of Planning, Parks and Development, a certified check / letter of credit / surety bond (circle one that applies) in the amount of \_\_\_\_\_ securing and guaranteeing completion of the improvements by the required date.

By: \_\_\_\_\_  
County Attorney

By: \_\_\_\_\_  
Director of Planning, Parks and Development

By: \_\_\_\_\_  
Developer

Address and telephone number of Developer/Owner:

Address: \_\_\_\_\_ Telephone: ( \_\_ ) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF NORTH CAROLINA COUNTY OF CATAWBA

I, \_\_\_\_\_, a Notary Public for said County and State, do hereby certify that \_\_\_\_\_ personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the \_\_\_ day of \_\_\_\_\_, 20 \_\_

\_\_\_\_\_  
Notary

My commission expires \_\_\_\_\_, 20 \_\_

(Seal)

**Catawba County "Sample" No Contest Irrevocable Letter of Credit**  
(To be typed on Bank's letterhead)

STATE OF NORTH CAROLINA, COUNTY OF \_\_\_\_\_  
IRREVOCABLE LETTER OF CREDIT NO. \_\_\_\_\_

(Name of Bank)  
Address: (Including branch, if any)

Date: \_\_\_\_\_

TO: Catawba County  
C/O County Manager  
PO Box 389  
Newton, NC 28658

(SEAL)

Sir:

We hereby open our irrevocable credit in your favor by your drafts at sight on us for a sum not exceeding \$ \_\_\_\_\_ for the account of \_\_\_\_\_ hereinafter known as "Customer". When presented for negotiation, drafts must be accompanied by the signed statement of the Catawba County Manager that drawing is due to default or failure to perform by Customer, the following improvements in the \_\_\_\_\_ Development on or before the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_.

List improvements here: \_\_\_\_\_  
\_\_\_\_\_

The term of this irrevocable credit is either through and including the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_ or upon written notice from the Catawba County Manager that the required improvements have been timely completed, whichever is earlier.

Acting through the Catawba County Manager, you will notify us when either of the following occurs:

1. The required improvements have been timely completed and the credit may be released; or
2. The Customer has failed to perform or is in default thereunder. All drafts drawn hereunder must be marked as follows:

The amount of any draft drawn under this credit must, concurrently with negotiation, be endorsed on the reverse side hereof, and the presentation of any such draft shall be a warranty by the negotiating bond that such endorsement has been made.

This Letter of Credit shall be transferable and/or assignable to only Catawba County.

This Letter of Credit, except as otherwise expressly provided herein, is governed by the Uniform Commercial Code in force in the State of North Carolina on the date hereof.

Very truly yours,

(Name of Bank)

Address of Catawba County Office

By: \_\_\_\_\_  
(Authorized Signature)

**NORTH CAROLINA  
CATAWBA COUNTY**

**ACKNOWLEDGEMENT OF WAIVER**

This is acknowledgement of waiver, made the \_\_\_\_\_day of \_\_\_\_\_, \_\_\_\_\_, by and between \_\_\_\_\_, parties of the first part; and \_\_\_\_\_, party of the second part; hereinafter referred to as **church/synagogue/school**; all of the Catawba County, North Carolina;

**WITNESSETH:**

THAT WHEREAS, the parties of the first part are owners of a certain tract of land located on the Catawba County being Parcel I.D. \_\_\_\_\_, a deed recorded in Book \_\_\_\_\_, on Page \_\_\_\_\_, in the office of the Register of Deeds of Catawba County; and whereas, the church/synagogue/school is the owner of a certain tract of land immediately adjoining said lands of the parties of the first part; the same being found in Catawba County being Parcel I.D. \_\_\_\_\_, having been conveyed to them by \_\_\_\_\_, by deed recorded in Book \_\_\_\_\_, on Page \_\_\_\_\_, in the office of Register of Deeds of Catawba County; both which deeds are hereby referred to for greater certainty of description; and whereas the church/synagogue/school desires to construct a structure for religious or learning purposes pursuant to the Catawba Zoning Ordinance on their above described tract;

AND WHEREAS, the parties of the first part acknowledge that they consent to a waiver of the screening requirements as described in Section 44-523(f) of the Catawba County Zoning Ordinance by the parties of the second part;

NOW THEREFORE, the said parties of the first part, acknowledge their consent to a waiver of the screening criteria as described in Section 44-523(f) of the Catawba County Zoning Ordinance and the above described tract as adjoined by the parties of the second part above described tract.

IN TESTIMONY WHEREOF, said parties of the first part have hereto set their names and seals, the day and year above written.

\_\_\_\_\_  
Parties of First Part

\_\_\_\_\_  
Parties of Second Part

North Carolina, \_\_\_\_\_County

I, \_\_\_\_\_, a Notary Public of \_\_\_\_\_County, North Carolina, do hereby certify that \_\_\_\_\_personally appeared before me this day, and acknowledged the due execution of the foregoing instrument. Witness by my hand and official seal, this the \_\_\_\_\_day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires:\_\_\_\_\_

\_\_\_\_\_  
Notary Public

**NORTH CAROLINA  
CATAWBA COUNTY**

**ACKNOWLEDGEMENT OF WAIVER**

This is acknowledgement of waiver, made the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between \_\_\_\_\_, parties of the first part; and \_\_\_\_\_, party of the second part; hereinafter referred to as **commercial or office-institutional development**; all of the Catawba County, North Carolina;

**WITNESSETH:**

THAT WHEREAS, the parties of the first part are owners of a certain tract of land located on the Catawba County being Parcel I.D. \_\_\_\_\_, a deed recorded in Book \_\_\_\_\_, on Page \_\_\_\_\_, in the office of the Register of Deeds of Catawba County; and whereas, the commercial or office-institutional development is the owner of a certain tract of land immediately adjoining said lands of the parties of the first part; the same being found in Catawba County being Parcel I.D. \_\_\_\_\_, having been conveyed to them by \_\_\_\_\_, by deed recorded in Book \_\_\_\_\_, on Page \_\_\_\_\_, in the office of Register of Deeds of Catawba County; both which deeds are hereby referred to for greater certainty of description; and whereas the commercial or office-institutional development desires to construct a structure for commercial purposes pursuant to the Catawba Zoning Ordinance on their above described tract;

AND WHEREAS, the parties of the first part acknowledge that they consent to a waiver of the screening requirements as described in Section 44-523(f) of the Catawba County Zoning Ordinance by the parties of the second part;

NOW THEREFORE, the said parties of the first part, acknowledge their consent to a waiver of the screening criteria as described in Section 44-523(f) of the Catawba County Zoning Ordinance and the above described tract as adjoined by the parties of the second part above described tract.

IN TESTIMONY WHEREOF, said parties of the first part have hereto set their names and seals, the day and year above written.

\_\_\_\_\_  
Parties of First Part  
North Carolina, \_\_\_\_\_ County

\_\_\_\_\_  
Parties of Second Part

I, \_\_\_\_\_, a Notary Public of \_\_\_\_\_ County, North Carolina, do hereby certify that \_\_\_\_\_ personally appeared before me this day, and acknowledged the due execution of the foregoing instrument. Witness by my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public