

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 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, 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

My commission expires:

[Official Seal]