

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.

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 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)