

PERFORMANCE BOND
(For Erosion and Sedimentation Control Measures)

Bond No. _____

Effective Date: _____

BARTOW COUNTY, GEORGIA

PROJECT NAME: _____

LOCATION: _____

KNOW ALL MEN BY THESE PRESENTS: that we

(Name and Address)

a Corporation of the State of _____, hereinafter called **Principal**, and

(Name and Address of Surety)

a Corporation of the State of _____, and a surety authorized by law to do business in the State of Georgia, hereinafter called **Surety**, are held and firmly bound unto Bartow County, Georgia, Suite 251, Frank Moore Administration and Judicial Center, 135 W. Cherokee Avenue, Cartersville, Georgia 30120, hereinafter called **Obligee**, in the sum of _____ (_____) Dollars

for the payment of which sum, well and truly to be made, Principal and Surety bind themselves, their heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS said Principal intends to perform **Work** in the nature of installation and maintenance of erosion and sedimentation control measures designed to comply with Applicable Bartow County Ordinances and Regulations (as defined below) for the Project known as [provide name of development]: _____

located at: _____ and which Project was approved under Conditional Land Disturbance Permit Number _____ issued on _____.

The purpose of this Bond is to guaranty the Principal will comply with all erosion and sedimentation control stipulations, requirements and specifications, including but not limited to installation of stabilization measures whether temporary or permanent, as contained in the Permit listed above, the development plans approved thereunder, the Bartow County *Erosion and Sedimentation Control Ordinance*, the *Manual for Erosion and Sedimentation Control in Georgia*, latest edition (the Green Book), and any other applicable provision of the *Code of Bartow County* relating to erosion and sedimentation control, (the foregoing collectively referred to hereinafter as "**Applicable Bartow County Ordinances and Regulations**") in performing said Work while constructing the Project, and specifically in constructing the temporary and permanent erosion and sedimentation control measures, and to guaranty that said Work will be brought to full compliance with County standards, as specified in the Applicable Bartow County Ordinances and Regulations at the completion of the Work.

NOW, THEREFORE THE CONDITION OF THIS OBLIGATION IS SUCH, that if the Principal shall well, truly, fully and faithfully perform and construct said Work in accordance with the requirements, plans and specifications of the Applicable Bartow County Ordinances and Regulations, and shall comply with the approved development plans under the above Permit, and shall maintain said Work during the duration of the Project or thereafter as specified, and shall well and truly perform and fulfill all the undertakings, covenants, terms, conditions and agreement of any and all duly authorized modification of or to said Work that may hereafter be made, then this obligation shall be void, otherwise to remain in full force and effect. **Principal must obtain a Written Release from Obligee before this Bond may be voided or terminated or allowed to lapse.**

Whenever the Principal shall be, and is declared by the Obligee to be, in default under the Contract, the Surety shall promptly remedy the default as follows, at the direction of the Obligee:

- 1) Complete the Work in accordance with the terms and conditions of the Applicable Bartow County Ordinances and Regulations; or
- 2) Allow Obligee to complete the Work in accordance with the terms and conditions of the Applicable

Bartow County Ordinances and Regulations and thereafter the Surety shall reimburse the Obligee for all reasonable costs incurred in completing the Work; or

3) Obtain a bid or bids for completing the Work in accordance with the terms and conditions of the Applicable Bartow County Ordinances and Regulations, and upon determination by the Surety and the Obligee of the lowest responsible bidder, pay the new contractor an amount sufficient to complete the Work.

The Surety shall commence performance of its obligations and undertakings under this Bond promptly and without delay, after written notice from the Obligee to the Surety.

PROVIDED FURTHER, that said Surety to this Bond, for value received, hereby stipulates and agrees that no change, extension of time, alterations, or additions to the terms of the Work or Project shall in any way affect its obligation on this Bond, and it does hereby waive notice of any such change, extension of time, alterations, or additions to the terms of the Work or Project, and hereby agrees that this Bond shall be deemed amended automatically and immediately, without formal or separate amendments hereto, upon any amendment to the scope of the Work to be performed. **The Surety's aggregate liability hereunder shall in no event exceed the amount set forth above.**

PROVIDED FURTHER, that Principal and Surety agree and represent that this Bond is executed pursuant to and in accordance with the applicable provisions of the Applicable Bartow County Ordinances and Regulations relating to erosion and sedimentation control measures, and is intended to be and shall be construed as a bond in compliance with the requirements thereof. No claim, suit, or action shall be brought hereunder after the expiration of two (2) years following the date upon which the Principal is released from this bond. If this limitation is made void by any law, controlling the construction hereof, such limitation shall be deemed to be amended to equal the minimum period of limitation permitted by such law.

IN WITNESS WHEREOF, the Principal and Surety have hereunto set their hands and seals this _____ day of _____, _____. [NOTE: Date of bond must not be before date of Permit.]

Attest: PRINCIPAL

(Secretary)
(SEAL)

By: _____
its: _____

Attest: SURETY

(SEAL)

(Surety)
By: _____
its: Attorney-in-Fact and Resident Agent

(address)

(Power of Attorney must accompany bond)

IMPORTANT: Surety Companies executing Bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in Georgia.