BOND OF STREET OBSTRUCTION AND/OR EXCAVATION, WITH CORPORATE SURETY

Bond No. _____

Effective Date: _____

Know all men by these presents:

That _____

of the City of _____, in the County of _____

and the State of _____, (as principal) and _____

_____a corporation organized under

the laws of the State of _____, and holding a certificate of the Insurance Commissioner of the State of Minnesota, showing that it is authorized to contract as a surety (as surety) are held and firmly bound, jointly and severally, unto the City of Duluth, in the State

of Minnesota, in the sum of _____, good and lawful money of the United States, to be paid to the said City of Duluth, for which payment in full, well and truly to be made, we do bind ourselves, our heirs, executors and administrators, successors or assigns, jointly and severally, firmly by these presents.

Sealed with our seals, and dated this _____ day of _____, _____.

WHEREAS, Sec. 45-15 through Sec. 45-26 of the Legislative Code of the City of Duluth, declares among other things, that it is unlawful for any person whatsoever to make any excavation for any purpose in the streets, avenues, alleys, highways, and public grounds or to place any obstruction therein, or to place or cause to be placed any scaffold, obstruction, equipment or materials of any kind in, upon or above any of the public sidewalks, or immediately adjacent thereto, whether or not said application be for a permit authorizing an excavation as a necessary incident to the connection of a private sewer, water or gas service with any of the sewer, water and gas mains owned by the City of Duluth, without first applying for and obtaining a permit so to do from the City Engineer under the terms and conditions as set forth in those said sections; and

WHEREAS, as a condition to the allowance and issuance of a permit, the applicant therefor, or his duly authorized agent or contractor, as the case may be, must file with the City Engineer a corporate surety bond of an insurance company duly authorized by the laws of the State of Minnesota to transact business as a surety, in the sum of at least Ten Thousand ($10,000) Dollars. Permitee shall provide, in addition thereto, a certificate from an insurance company duly authorized by the laws of the State of Minnesota to transact business as an insurance company, certifying that the applicant has in force with such company a comprehensive general liability policy, including completed operations, products liability, explosions, collapse, and underground property liability coverage to cover his operations under such permit in the amount of One Million Five Hundred Thousand ($1,500,000) Dollars for bodily injury occurring in any year and Five Hundred Thousand ($500,000) Dollars for property damage in any year, and also, that such bond and certificate of insurance have been approved as to form, correctness and validity by the City Attorney and shall contain a condition that they may not be cancelled without thirty (30) days written notice to the City of Duluth, and certificate of insurance shall list the City of Duluth as additional insured; and

WHEREAS, the above bounden principal is desirous of obtaining a permit under the aforesaid sections;

NOW, THEREFORE, the condition of this obligation is such that if a permit is allowed and issued to or on behalf of the above bounden principal, and if such principal shall restore the street, avenue, alley, highway, sidewalk or other public ground to the condition it was prior to the making of such excavation or obstruction, and that any work done under any permit, including the installation of any sewer, gas or water connections, is done in accordance with all applicable ordinances and rules and regulations of the City of Duluth, and also indemnifies and saves the City harmless from any and all claims, demands, damages or causes of action of any kind whatsoever arising or to arise out of the doing of the work or the thing authorized by such permit, then this obligation to be void; otherwise, it shall remain in full force and effect.

Signed, Sealed and Delivered

In the Presence of:

_____

_____
(As to Principal)

_____

_____
(As to Surety)

Approved as to form, correctness and validity this

_____ day of _____, _____

_____

_____
Principal

By: _____
President

Attest: _____
Secretary

_____
Surety

By: _____
, Attorney in Fact

Attest: _____

ACKNOWLEDGMENT OF PRINCIPAL (INDIVIDUAL)

STATE OF MINNESOTA }
ss
COUNTY OF ST. LOUIS }

On this _____ day of _____ , _____ , before me personally appeared _____ to me known to be the person described in and who executed the foregoing bond as Principal, and acknowledged that she/he executed the same as her/his free act and deed.

_____
Notary Public, St. Louis County, Minnesota
(Notarial Seal) My Commission expires _____

ACKNOWLEDGMENT OF PRINCIPAL (PARTNERSHIP)

STATE OF MINNESOTA }
ss
COUNTY OF ST. LOUIS }

On this _____ day of _____ , _____ , before me personally appeared _____ and _____ , to me known to be the persons described in and who executed the foregoing bond as partners, and acknowledged that they executed the same as their free act and deed and as the free act and deed of the partnership named in said bond as Principal.

_____
Notary Public, St. Louis County, Minnesota
(Notarial Seal) My Commission expires _____

ACKNOWLEDGMENT OF PRINCIPAL (CORPORATION)

STATE OF MINNESOTA }
ss
COUNTY OF ST. LOUIS }

On this _____ day of _____ , _____ , before me appeared _____ and _____ , to me personally known, who being by me duly sworn, did say that they are the _____ and _____ of the corporate principal above named, that the seal affixed to the foregoing instrument is the corporate seal of said Principal, and that said instrument was executed in behalf of said corporation by authority of its board of directors and said officers acknowledged said instrument to be the free act and deed of said corporation.

_____
Notary Public, St. Louis County, Minnesota
(Notarial Seal) My Commission expires _____

ACKNOWLEDGMENT OF CORPORATE SURETY

STATE OF A
COUNTY OF } ss

On this _____ day of _____ , _____ , before me personally appeared _____, who, being by me duly sworn, deposes and says that he is the Attorney-in-Fact of the corporation which executed the foregoing bond as Surety, and that the seal affixed to said bond is the corporate seal of said corporation and that said bond was executed in behalf of said corporation by authority of its Board of Directors, that said corporation holds a certificate of the Insurance Commissioner of the State of Minnesota, showing that said corporation is authorized to contract as such surety, and said Attorney-in-Fact acknowledged the said instrument to be the free act and deed of said corporation.

_____
Notary Public, , County,

(Notarial Seal)

My Commission expires _____

Approved as to form hereof,
this _____ day of _____, _____ .

_____
Assistant City Attorney
Duluth, Minnesota