

LAND DISTURBING SURETY BOND

Consult instructions for completion.

PRINCIPAL INFORMATION:

Name: _____

DBA: _____

Site or Project Name: _____

Land Owner(s) of Record: _____

Address: _____

City/State/Zip: _____

Phones and Fax: _____

E-mail Address: _____

State License or Registration #'s: _____

SURETY INFORMATION:

Name: _____

Address: _____

City/State/Zip: _____

Phones and Fax: _____

E-mail Address: _____

Bond #: _____

State of North Carolina
County of Haywood

KNOW ALL MEN BY THESE PRESENTS THAT WE, _____,
(Principal Name)

as Principal and _____, as Surety, are held and firmly bound unto the County of Haywood, in
(Surety Name)
the sum of (\$ _____ .00) _____ to be payment
where we bond ourselves our heirs, executors, administrators, and assigns, firmly by these present.

WHEREAS, the above bounden Principal has applied for an **EROSION CONTROL PLAN APPROVAL AND LAND-DISTURBING PERMIT**, in Haywood County, North Carolina.

The condition of this obligation is such that:

WHEREAS, the said Principal is or desires to be engaged in a **LAND-DISTURBING ACTIVITY** within Haywood County on a parcel or tract of land which is known in the official registry of the Haywood County Land Records Office by the PROPERTY IDENTIFICATION NUMBER of: _____, and said parcel or tract may also be found in DEED BOOK: _____ and PAGE #: _____ in the Haywood County Register of Deeds Office, and

WHEREAS, there have been promulgated by Haywood County, certain rules and regulations for the conduct of such land-disturbing activities as proposed by the Principal, and

WHEREAS, specific to the conditions creating the requirement of this Surety Bond, the said land-disturbing activity is subject to 154.7 of Chapter 154 of the Haywood County Code of Ordinances: Erosion and Sediment Control, and

NOW THEREFORE, if the said Principal shall well and truly perform the land-disturbing activity from the time of undertaking to completion within the guidelines set forth in the approved erosion and sediment control plan for the project and Chapter 154 of Haywood County's Code of Ordinances (Erosion and Sediment Control), Haywood County will make no demand to redeem the bond. However, the said Principal and the said Surety shall well and truly pay to Haywood County all applicable surety bond funds stated herein if the land-disturbing activity in is non-compliance with said Ordinance for 90 working days after a Notice of Violation is received by the Principal.

It is expressly understood that this bond may be canceled by the Surety only at the expiration of thirty (30) calendar days from the date upon which the Surety shall have filed with the Haywood County Erosion Control Program *and* the Haywood County Finance Director written notice to so cancel. This provision however, shall not operate to relieve, release or discharge the Surety from any liability, civil penalties or criminal penalties already accrued or which shall accrue before the expiration of the thirty (30) day period. It is expressly understood that if the bond lapses or expires prematurely, the Land-Disturbing Permit must then be submitted. It is expressly understood that upon forfeiture of applicable surety, the Principal does hereby grant to Haywood County the right to enter said property at reasonable times and perform work upon said property to the value extent of the bond and only for the purpose of installation of sufficient erosion and sediment control measures and devices on the site in accordance with Chapter 154 of the Haywood County Code of Ordinances. Erosion and Sediment Control. It is expressly understood that forfeited surety shall be also used to establish erosion control structures or ground covers in accordance with an approved sediment control plan.

This is the _____ day of _____, ~~20~~_____.

PRINCIPAL: _____

WITNESS TO PRINCIPAL: _____

SURETY SEAL: _____

WITNESS TO SURETY: _____

ATTORNEY-IN-FACT (SURETY): _____

Details of Application:

1. The number of acres to be disturbed, including all borrow and waste areas and all access and haul roads will be stated as follows to the nearest tenth of an acre: _____.
2. Dollar amount (U.S.A.) per acre to be posted (fractions of acres will be prorated): \$ _____.
3. The total amount of the bond will now be stated as follows: \$ _____.
4. An original copy of all bond forms must be received by Haywood County in order for the bond to be considered valid and before the Land-Disturbing Permit may be issued.

Haywood County Erosion Control Program

Building Box 12, Haywood County Annex II
1233 North Main Street
Waynesville, NC 28786

Phone: 828-452-6706 or Fax: 828-452-6767

INSTRUCTIONS FOR COMPLETING LAND-DISTURBING ACTIVITY SURETY BONDS

I N F O R M A T I O N

In compliance with the Haywood County Erosion and Sediment Control Ordinance, application for a permit to disturb five or more acres shall require the posting of a surety bond with the County in the form of an escrow account, an account guaranteed by an established surety company or other instruments satisfactory to the County Attorney.

CASH BONDS can only be accepted with a certified check or money order and are not interest bearing.

FAXED OR PHOTOCOPIED bonds will be accepted as evidence that the bond has been issued if the form is completed, signed and sealed. However the original must be received by the County before the Land-Disturbing Permit can be issued.

I N S T R U C T I O N S

1. **THE BOND MUST BE EXECUTED NO HAYWOOD COUNTY'S BOND FORM** and completed by a Surety company or Cash Principal. Bonds may only be cancelled by a written 30 day notice to the County by the Principal or the Surety. However, if the bond is canceled before the site is issued a Certificate of Compliance by the County, the Land-Disturbing Permit may be revoked.
2. **IF THE PRINCIPAL IS A PARTNERSHIP** or other person engaging in business under an assumed name, a copy of the "Certificate of Assumed Name" must be attached to the bond form. At least one partner or person must sign their full legal name as the legal Partnership or Business Representative as Principal.
3. **IF THE PRINCIPAL IS A CORPORATION**, a Registered Agent must also sign their full legal name as Principal.
4. **MAILING ADDRESS** including zip codes, office phone numbers, fax numbers and cell numbers must be included for Principal and Surety.
5. **LIST ALL STATE LICENSE NUMBERS** or professional registration numbers held by the Principal.
6. **BOND NUMBER** is to be assigned by the Surety company. If the bond number has not been assigned, please send rider or endorsement listing the assigned number immediately.
7. **BOND AMOUNT** will be determined by the County by multiplying the number of acres to be disturbed by an amount within the limits specified in the Ordinance. The required bond amount per acre will be fairly determined by The Erosion Control Office and will generally be based on difficulty of site stabilization upon forfeiture of applicable surety.
8. **SIGNATURES** of Principal and Attorney In Fact (Surety) **ARE REQUIRED**
9. **INSURANCE COMPANY'S CORPORATE SEAL** must be affixed on bond. **A Notary seal or Principal's corporate seal are not acceptable.**