

BOND # _____

PROJECT # _____

DATE _____

**PERFORMANCE BOND
GRADING AND RESEEDING**

This performance bond is provided to obtain approval of a permit for grading at the Premises identified as _____. The grading and other associated work on the Premises are referred to as "the Work".

The contractor or party responsible for the Work, who is referred to in this performance bond as "Principal", is _____.

The surety assuring Principal's performance of the Work under this performance bond, who is referred to in this performance bond as "Surety", is _____ corporation organized and existing under the laws of the State of _____.

(Check and initial the box corresponding to whichever of the two following provisions applies:)

Initials Principal is the owner of the Premises, and hereby expressly grants the City of Tucson a right of entry onto the Premises, if necessary, to bring the Work into conformance with the requirements of this Bond.

Initials Principal has received an express delegation of authority from the owner of the Premises and, pursuant to that delegation, Principal hereby (1) represents that Principal is authorized to do the Work and (2) expressly grants the City of Tucson and Surety a right of entry onto the Premises, if necessary, to bring the Work into conformance with the requirements of this Bond.

To secure and assure performance of the obligations described in this performance bond, Principal and Surety are duly and firmly bound unto the City of Tucson in the sum of

_____ Hundred Dollars (\$100.00)).

Principal has applied for a grading permit for the Premises. This performance bond is provided to comply with and shall be construed and interpreted in harmony with City of Tucson Building Code Chapter 36, Section 6, paragraph 6.6.2 and Chapter 36, Section 11.

Principal shall comply with the requirements of the City of Tucson Building Code Chapter 36 and any other City of Tucson codes that apply to the Work authorized by this grading permit. Principal shall also comply with all rules, regulations, and requirements lawfully promulgated under those codes regulating the authorization, use, termination and revocation of the grading permit. If the City of Tucson determines that Principal has failed to comply with these requirements, the City of Tucson shall notify Surety of Principal's default, and Surety shall either perform the Work or shall pay the City of Tucson an amount necessary to bring the Work into conformance with these requirements.

This performance bond shall be held by the City of Tucson and shall remain in full force and effect until final approval of the work by the Building Official in accordance with City of Tucson Building Code Chapter 36, Section 18, paragraph 18.2, or until reseeding has occurred in accordance with City of Tucson Building Code Chapter 36, Section 6, paragraph 6.6.1. If prior to that time any of the following events occurs, the duration of this performance bond shall be automatically extended, and this performance bond shall be retained by the City of Tucson until Principal's default is cured or until final disposition of all legal actions and claims, whichever occurs last:

- The City of Tucson notifies Surety of Principal's default.

- A legal action or claim is filed relating to this performance bond.
- The City of Tucson notifies Surety that it reasonably believes there is an impending legal action or claim relating to this performance bond.

Notice to Surety shall be sufficient if mailed or hand delivered to Surety's address inserted where indicated above.

This performance bond shall neither be void nor terminate upon Surety's payment of claims totaling less than the full amount of this bond, but may be used and recovered upon from time to time until the full amount of this bond is exhausted.

This performance bond is for the benefit of the City of Tucson and any person damaged as a result of any violation of the technical codes referred to in this performance bond.

Principal and Surety and their heirs, personal representatives, successors, and assigns are jointly and severally liable for and bound by the obligations described in this performance bond.

IN WITNESS WHEREOF the Principal and Surety have duly executed this performance bond this _____ day of Month , 2002

"PRINCIPAL":
CORPORATE NAME HERE; LEAVE BLANK IF

"SURETY":
SURETY'S CORPORATE NAME HERE

By: _____
Signature of Principal or authorized agent
Printed name of signer

By: _____
Signature of attorney-in-fact
Printed name of signer

Its: _____
Signer's title, if any

Its: _____
Attorney-In-Fact
Title of signer
(Power of attorney must be attached)

STATE OF ARIZONA)
County of Pima) ss.

SUBSCRIBED AND SWORN TO BEFORE ME this _____ day of Month , 2002 by Printed name of signer, and if signing on behalf of a corporation, insert ", [signer's title] of [name of corporation], on behalf of the corporation".

My commission expires:

Notary Public

STATE OF ARIZONA)
County of Pima) ss.

The foregoing performance bond was acknowledged before me this _____ day of Month , 2002, by Surety's signer's name, the Attorney-In-Fact for Surety's name, a corporation organized and existing under the laws of the State of state where Surety is incorporated and duly authorized to transact surety business in the State of Arizona.

My commission expires:

Notary Public

Form approved this 8th day of July, 2002. (Form with original signature of approval is on file in the City Clerk's Office.)

Michael D. House
Michael D. House, City Attorney

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