

CITY OF LINCOLN

GRADING PERMIT SURETY BOND

BOND NO: _____
PREMIUM: \$ _____
BOND TERM: _____
APN: _____

WHEREAS, we, _____, of _____, as PRINCIPAL, and _____, a corporation duly licensed to do business in the State of California, as SURETY, are held and firmly bound unto the City of Lincoln, a municipal corporation of the State of California, hereinafter CITY, in the sum of _____, (_____), for the payment of which sum well and truly be made, we bind ourselves and our heirs, executors, administrators, and successors, jointly and severally;

WHEREAS, the condition of this obligation is such that said PRINCIPAL above has applied to CITY for a permit (Grading Permit No. _____) for the excavation, grading, or fill of the real property as identified on the _____ pursuant to the CITY Design Criteria and Procedures Manual; and

WHEREAS, Section 2-1 of the City of Lincoln Design Criteria and Procedures Manual requires the applicant to furnish a surety bond prior to CITY's issuance of said permit.

NOW, THEREFORE, IT IS AGREED that PRINCIPAL shall:

- A. Comply with the provisions including but not limited to Sections 2 and 11 of the CITY'S Design Criteria and Procedures Manual, and Appendix J of the California Building Code and City's Ordinance 826B and 876B which set forth CITY's land grading and erosion control requirements, and all other applicable CITY ordinances, resolutions, rules, regulations, and policies as well as all applicable state regulations;
- B. Comply with all terms and conditions of the permit to the satisfaction of the CITY Engineer or his designee;
- C. Complete all of the work contemplated under said permit within the time limit specified in the permit and any extension(s) thereof;
- D. Complete the work to a safe condition satisfactory to the CITY Engineer or his designee;
- E. Reimburse CITY for any work required by the permit that CITY Engineer or his designee deems necessary to complete, correct, or otherwise undertake with regard to the work specified in the permit; and
- F. Indemnify and hold harmless CITY, its City Council, officers, directors, employees, agents and volunteers.

IF PRINCIPAL, its executors, successors, and assigns promptly and faithfully perform all of the covenants, conditions and obligations of this agreement and the permit, at the time and in the manner specified

herein and in the permit, then this obligation shall be null and void, otherwise it shall remain in full force and effect until the completion of said work to the satisfaction of CITY Engineer or his designee.

PROVIDED, HOWEVER, that SURETY, for value received, hereby stipulates and agrees that no change, extension of time, alteration or modification of the permit or of the work to be performed thereunder shall in any way affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or modification of the permit or of the work to be performed thereunder. SURETY further waives the provisions of sections 2819 and 2845 of the California Civil Code. In the event that the work to be performed under the permit is not completed in a timely manner, or if the work is suspended, or if the project site is left in a condition that is detrimental to the public health and safety, CITY may take action to complete the project or to collect unpaid fees and costs by calling the bond.

PROVIDED, FURTHER, that in case suit is brought upon the bond by CITY or any other person who may bring an action on this bond, reasonable attorneys' fees to be fixed by the court shall be paid by PRINCIPAL or SURETY.

IN WITNESS WHEREOF, PRINCIPAL and SURETY have executed, or caused to be executed, this instrument with all of the formalities required by law on this ___ day of _____, ____.

_____, a
California non-profit mutual benefit corporation

By: _____
Name: _____
Title: _____

(SEAL)

By: _____
Name: _____
Title: _____

SURETY, admitted in CALIFORNIA

By: _____
Attorney-in-fact
Name: _____
Address: _____

(SEAL)

Telephone: _____

*This bond must be acknowledged by PRINCIPAL and SURETY before a Notary Public, and certificates thereof attached. A corporation must execute the bond by two authorized officers or, if executed by a person not listed in California Corporations Code § 313, then a certified copy of a resolution by its Board of Directors authorizing execution must be attached.