

The Maryland-National Capital Park and Planning Commission
Montgomery County Planning Board
FOREST CONSERVATION PERFORMANCE BOND

Total Sum of Bond _____ Bond No. _____

This bond assures security for the Afforestation and/or Reforestation pursuant to the Forest Conservation Plan of the [Owner/Applicant] _____ (*Legal name of the obligor, which in the case of an Offsite M&M Agreement, the obligor is the Applicant*), for the property known as _____ (*property name*) the "Site"

(*address and description of the property*).

KNOW ALL PERSONS BY THESE PRESENTS,

That _____ as Obligor, hereinafter called the "Owner" or "Applicant", and _____ (*Name of Surety company or bank*), a _____ (*insert state of incorporation*) Corporation authorized to transact business in the State of Maryland as Surety OR a corporation organized under the laws of the State of Maryland as Surety _____ (*Identify the surety's legal right to transact business in the State of Maryland*), jointly and severally, are held and firmly bound unto The Maryland-National Capital Park and Planning Commission, a body corporate and politic on behalf of the Montgomery County Planning Board as "Obligee", hereinafter referred to as the "Planning Board" in the sum of [_____], lawful money of the United States to the payment of which sum the Principal and Surety bind themselves, their successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, the above named [Owner/Applicant] has on _____ (Date of mailing of Planning Board Resolution) received conditional approval by the Planning Board or the Planning Director for _____ (*Identify the Type of Plan*) Plan No. _____ (*Plan Number*). The review included the approval of a Forest Conservation Plan for certain Afforestation and/or Reforestation located at _____ (*Address or Lot/Block, Subdivision*) in Montgomery County, Maryland.

WHEREAS, the Owner is required to enter into a Forest Conservation Maintenance and Management Agreement, the "Agreement" with the Planning Board, dated _____, 20__, for Afforestation, and/or Reforestation in the subdivision or site known as _____, in consideration of the privilege of subdivision or development of certain lands held by the [Owner/Applicant].

WHEREAS, pursuant to Section 22A-12(i)(1)(A) of the Montgomery County Forest Conservation Law financial security is required in the form of a bond or other instrument of guarantee to secure the timely performance of all obligations to reforest and/or supplement landscaping as shown on the Final Forest Conservation Plan No. _____.

WHEREAS, pursuant to Section 22A-12(i)(5) of the Montgomery County Forest Conservation Law, the Bond shall be maintained by the [Owner/Applicant] until all requirements have been fulfilled to the satisfaction of the Planning Director evidenced by the signature of

August 2010

release on the Agreement or the issuance of a Certificate of Completion.

WHEREAS, the Surety hereby agrees that if the [Owner/Applicant] shall fail or refuse, in any respect, to perform, comply or observe the conditions of the Agreement associated with _____ Plan # _____, then the Surety shall fully pay, perform and or complete all conditions and obligations under the Agreement.

Upon notification by the Planning Board that the [Owner/Applicant] has failed to comply with the requirements under the Agreement, performance by the Surety under this Bond shall, at the direction of the Planning Director, include, but not be limited to:

1. Arranging for the [Owner/Applicant]'s performance of the [Owner/Applicant]'s obligations; or
2. Surety to perform and complete the obligations of the [Owner/Applicant].

WHEREAS, the Surety agrees that no change, extension of time, alteration or addition to the terms of the Agreement or the work to be performed shall in any way affect its obligations under this Performance Bond and Agreement, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the work to be performed.

NOW THEREFORE, the conditions of this obligation require that the [Owner/Applicant] shall in all respects fully and timely comply with all the applicable terms, conditions, provisions and requirements of the Afforestation and/or Reforestation schedule as set forth in the Forest Conservation Plan (Plan No. _____), as approved by the Planning Board, dated _____ (*Date of Mailing of Planning Board Resolution*), and shall maintain said planting for a period of (**insert maintenance period**) years from date of planting. [Owner/Applicant] shall fully meet and timely perform the [Owner/Applicant]'s obligations in completing the work for which said bond is issued in a manner satisfactory to the Planning Director. In the event the [Owner/Applicant] shall not comply with all terms, conditions, provisions and requirements of the aforementioned Agreement, the Planning Board may, following its determination of non-compliance, make a claim under this bond by contacting, in writing:

Bond Co. Name: _____
Bond Co. Address: _____

This obligation shall remain in full force and effect until the issuance of a completion certificate for the work described in the Agreement for the above-mentioned Forest Conservation Plan.

IN WITNESS WHEREOF, [Owner/Applicant] and Surety have executed this Bond and have affixed their respective seals on the date set forth below.

The persons whose signatures appear below hereby certify that they are authorized, to execute this Bond on behalf of the [Owner/Applicant] and Surety.

WITNESS/ATTEST

Signature

Type/Print Name

WITNESS/ATTEST

Signature

[OWNER/APPLICANT]

Signature

Type/Print Name

*SURETY

Name of Surety and Seal

Address

By: _____
Attorney-in-Fact

Address

*Attach valid Maryland Certificate of Authority

State of _____
County of _____

On this _____ day of _____, _____ before me, the undersigned individual, personally appeared _____, who acknowledged to be the _____, of _____, and that as such being authorized to do so, executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires: _____

State of _____
County of _____

On this _____ day of _____, _____ before me, the undersigned individual, personally appeared _____, who acknowledged to be the _____, of _____, and that as such being authorized to do so, executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires: _____