

letterhead

SURETY BOND OBLIGATION FOR SOIL EROSION & SEDIMENTATION CONTROL

BOND #: _____

PROJECT NAME / DESCRIPTION: _____
(as it appears on permit application)

LOCATION: _____
(street address and/or subdivision, lot number, etc.)

Section _____, _____ Township, Ottawa County, Michigan.

PARTIES: The PRINCIPAL is _____

(full name & address of Principal)

The SURETY is _____

(full name & address of Surety)

a corporation organized and existing under the laws of the State of Michigan.

The principal has applied for a Soil Erosion and Sedimentation Control Permit by the Ottawa County Drain Commissioner's Office (hereinafter referred to as the Drain Office) to conduct an earth change on the property described above in accordance with the conditions contained in the Soil Erosion and Sedimentation Control Permit. The permit is made a part of this bond by reference, and is referred to here as the "permit."

1.) OBLIGATIONS AND CONDITIONS

The principal and surety are obligated to the Drain Office for any sum or sums not exceeding in aggregate of _____ Dollars, if the principal fails to meet one or more of the following conditions:

- a. Follow the requirements of Part 91 of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended by Public Act 504 of 2000.
- b. Follow the requirements of the Administrative Rules promulgated pursuant to Part 91 of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended by Public Act 504 of 2000.
- c. Adhere to the restrictions, limitations and instructions of the Soil Erosion and Sedimentation Control Permit and/or to complete such work by the time stated on the permit.
- d. Comply with the County of Ottawa Soil Erosion and Sedimentation Control Ordinance promulgated under the provisions of Part 91 of Public Act 451 of 1994, as amended.

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If the principal properly and faithfully performs conditions 1a through 1d, as determined by the Ottawa County Soil Erosion Agent, the Drain Office shall issue a Certification of Completion. Upon the principal's receipt of a Certification of Completion, this obligation shall be null and void.

This bond shall not be canceled by the surety unless the Drain Office has issued a Certification of Completion or has issued a written notice to the principal and surety stating that an alternative performance guarantee, such as another surety bond, an irrevocable letter of credit, or a cash bond has been received and approved by the Drain Office.

If the principal fails to meet one or more of conditions 1a through 1d this obligation shall remain in full force and effect. The full force and effect of this obligation shall not be affected by the issuance, expiration, revocation, suspension, or modification of the permit.

2.) REMEDIES

a. If the principal fails to perform one or more of conditions 1a through 1d the Drain Office may declare the principal to be in default. The Drain Office shall give written notice of the default to the principal and the surety.

b. In the event of a default, the surety, upon notice from the Drain Office, shall pay to the Drain Office, with reasonable promptness, the amount necessary to perform the principal's conditions.

c. The Drain Office may demand that the surety promptly arrange for the performance of the principal's conditions. However, the surety may, on its own initiative, promptly cure the default by arranging for the performance of the principal's conditions.

No right of action shall accrue on this bond to or for the use of any person or corporation other than the Drain Office or the successors or assigns of the Drain Office.

By these provisions, the principal and surety bind themselves, their successors and assigns, jointly and severally, to this obligation.

This obligation is dated the _____ day of _____, 20_____.

PRINCIPAL: _____

By: _____
Name & Title *Date*

Witness: _____
Name *Date*

SURETY: _____

By: _____
Authorized Agent of Surety *Date*

Printed Name: _____

Agent Phone Number: _____

(Affix corporate seal and attach Power of Attorney)