

**PERFORMANCE BOND**

(PUBLIC OR PRIVATE IMPROVEMENTS FROM DEVELOPER TO TOWNSHIP)

KNOW ALL MEN BY THESE PRESENTS, that **[Developer]** as Principal, a  
\_\_\_\_\_ **[State of Organization] [Organization Type]** of **[Address]** (the  
**"Developer"**) and **[Surety]** of **[Address]** (the **"Surety"**) are held and firmly bound unto The  
Township of Upper St. Clair, a home rule municipality with offices at 1820 McLaughlin Run  
Road, Upper St. Clair, Pennsylvania 15241 as Obligee (the **"Obligee"**), in the amount of  
\_\_\_\_\_ AND 00/100 DOLLARS  
(\$ \_\_\_\_\_) for the payment whereof Developer and Surety bind themselves, their heirs,  
executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Township of Upper St. Clair

WHEREAS, the Developer is undertaking the development of property situated in the  
Township of Upper St. Clair, known as **[Name of Plan]** for which a plan will be recorded in the  
Recorder's Office of Allegheny County, Pennsylvania, and has submitted in connection therewith  
plans for the construction and installation of roads, storm sewers and other public and private  
improvements, which plans have been approved by the Obligee (said plans are hereinafter called  
the **"Development Plan"** and the improvements to be made pursuant thereto are hereinafter  
called the **"Improvements"**); and

WHEREAS, the Developer has agreed to construct and install the Improvements pursuant  
to the terms of the Tentative and Final Development Agreement, dated \_\_\_\_\_, 20\_\_ with  
the Obligee (the **"Township Development Agreement"**), and further agrees to install the  
Improvements in conformance with the Development Plans and the Township Development  
Agreement, and the Public and Private Improvements Code of the Township of Upper St. Clair  
(the **"Code"**).

NOW, THEREFORE, the condition of this obligation is such that if Developer complies with all of the provisions of the Code and the Development Plan, and the Obligee accepts and/or approves the Improvements, as the case may be, then this obligation shall be null and void; otherwise, it shall remain in full force and effect.

The Obligee shall have the right to approve or disapprove modifications of this bond, upon application of the Developer, as follows:

1. Reduction in bond amounts not to exceed a total of 50 percent;
2. Granting of alterations or extensions of time;
3. Approving minor changes in construction design.

The Surety hereby waives notice of any alteration or extension of time made by the Obligee.

If Developer does not cause the appropriate and necessary Improvements to be installed pursuant to the Township Development Agreement, or if any portion of the Improvements shall not be accepted by Obligee and/or approved by Obligee, as the case may be, or if Developer fails to comply with the provisions of the Code or Development Plan, the Surety may promptly remedy the reasons for such non-approval or rejection, or shall promptly:

1. Complete or cause the completion of the Improvements in accordance with the terms and conditions of the Township Development Agreement, or
2. Pay to the Obligee the amount of \_\_\_\_\_ AND 00/100 DOLLARS (\$ \_\_\_\_\_) as full payment of Surety's obligation under this Bond.

Any suit under this Bond must be instituted before the expiration of two (2) years from the date on which the Obligee notifies the Developer that the Improvements shall not be approved by Obligee or have not been completed in accordance with the Township Development Agreement. No right of action shall accrue on the Bond to or for the use of and person or corporation other than the Obligee named herein or the heirs, executors, administrators or successors of the Obligee.

This Performance Bond is signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_  
20\_\_.

WITNESS:

DEVELOPER:

\_\_\_\_\_  
Name: \_\_\_\_\_ By: \_\_\_\_\_ (SEAL)  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Township of Upper St. Clair

WITNESS:

SURETY:

\_\_\_\_\_  
Name: \_\_\_\_\_ By: \_\_\_\_\_ (SEAL)  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

*REVISED 1-10-2011*

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