

PERFORMANCE BOND

(GRADING PERMITS)

KNOW ALL MEN BY THESE PRESENTS, that [**Applicant**] as Principal, a [**State of Organization**] [**Organization Type**] of [**Address**] (the "**Applicant**") 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 Applicant and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Obligee has authorized Applicant's grading plans and specifications for the property located at [**Address**] by issuance of a Grading Permit # _____ dated _____, 20____ (the "**Township Approval**"); and

WHEREAS, Township Approval requires Applicant to complete grading on the site (the "**Grading**") pursuant to the Township of Upper St. Clair Code Section 71, "Grading" (the "**Grading Code**")

NOW, THEREFORE, the condition of this obligation is such that if Applicant complies with all of the provisions of the Grading Code, and the Obligee approves the Grading by the issuance of a Grading Certificate, 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 Applicant, 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 the grading plans and specifications.

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

If Applicant does not cause the Grading to be completed, or if the Grading shall not be approved by Obligee by the issuance of a Grading Certificate, or if Applicant fails to comply with the provisions of the Grading Code, the Surety may promptly remedy the reasons for such non-approval or rejection, or shall promptly:

1. Complete or cause the completion of the Grading in accordance with the terms and conditions of Township Approval, 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 Applicant that the Grading shall not be approved by Obligee or has not been completed in accordance with the Township Approval.

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.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

This Performance Bond is signed and sealed this _____ day of _____
20____.

WITNESS:

APPLICANT:

Name: By: _____ (SEAL)
Township of Upper St. Clair
Title:

WITNESS:

SURETY:

Name: By: _____ (SEAL)
ON INSTITUTION
LETTERHEAD
Title:

REVISED 1-10-2011

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