

DEVELOPMENT PERFORMANCE AND MAINTENANCE AGREEMENT

WHEREAS, as a condition of final approval and issuance of a Final Plat, Certificate of Occupancy or Letter of Completion for the development known as

located at _____, Newton County, Georgia, the developer/owner of said property

hereinafter "Principal," is required by the Newton County Development Regulations to guaranty performance and maintenance of certain aspects of the development;

IT IS HEREBY AGREED and understood that the Principal, in exchange for final approvals and other good and sufficient consideration, does agree to bind himself, and his heirs, assigns and successors in interest on this property, to maintain all public streets and drainage facilities within public streets or easements for the bonding period running from date _____ until _____, which period constitutes 36 months after issuance of the Final Plat, Certificate of Occupancy or Letter of Completion.

THE UNDERSIGNED PRINCIPAL further agrees to make necessary repairs to public streets and drainage facilities within the above described development upon request of the Newton County Planning Director or his designee, in the time-frame directed by said official. The Principal understands that failure to comply with the Planning Director's directives shall authorize him to be declared in default of this agreement, and authorize the County to pursue the maintenance bond or letter of credit. The maximum amount of such repairs shall be as needed. The undersigned Principal understands that if repairs are not made to the satisfaction of said official, the maintenance bond or letter of credit may be claimed against by the County.

THE UNDERSIGNED PRINCIPAL further agrees to indemnify and hold Newton County harmless against all liability for damages arising as a result of errors or omissions in the design or construction of the development for a period of ten (10) years. If ownership is subsequently assigned or transferred to a successor in title or interest or other person, a copy of such legal instrument shall be filed with the Clerk of Superior Court, and provided to the Planning Director.

THE UNDERSIGNED HAS READ AND UNDESTOOD THIS DOCUMENT FULLY. If the person signing this document is signing on behalf of a corporation, partnership or other legal entity, that person affirms hereby that he or she has full authority to bind said entity.

Newton County Georgia

IN WITNESS WHEREOF, the undersigned have caused this instrument to be executed and their respective corporate seals to be affixed and attested by their duly authorized representatives this ____ day of _____, 20__.

PRINCIPAL: _____
[corporation or entity name]

by: [print name of officer] L.S.

its: _____[title]

Attest:

Secretary