

SMALL WIND ENERGY SYSTEM SURETY AGREEMENT

THIS SURETY AGREEMENT, made this _____ day of _____, 20____, by and between HARFORD COUNTY, MARYLAND, a body corporate and politic of the State of Maryland (hereinafter referred to as the "County"), and

(hereinafter referred to as "Principal").

WITNESSETH:

WHEREAS, Principal intends to construct a Small Wind Energy System (hereinafter sometimes referred to as "the System"), located at:

WHEREAS, pursuant to the Harford County Code, the Small Wind Energy System must be in continuous use. A Small Wind Energy System that is out of service for a continuous 12 month period shall be deemed abandoned.; and

WHEREAS, Principal is obligated every 2 years, from the date of issuance of the building permit, to submit to the Department of Planning and Zoning, a statement that the Small Wind Energy System is in continuous use; and

WHEREAS, Principal is obligated to remove the Small Wind Energy System in the event it is deemed abandoned; and

WHEREAS, the Harford County Code further requires that the Principal shall deposit a surety with the County to ensure proper removal of the System in accordance with Section 267-27C(9)(b) of the Harford County Code; and

WHEREAS, Principal is desirous of providing said surety to the County.

NOW, THEREFORE, WITNESSETH: That for and in consideration of the mutual promises and covenants set forth herein-below, and other good and valuable consideration, the parties hereto, their successors and assigns, agree as follows:

1. That pursuant to Section 267-27C(9)(b) of the Harford County Code, Principal is responsible for taking all necessary steps to remove the Small Wind Energy System and remove and dispose of all visible remnants and materials from the subject property. The estimated amount of the surety shall be an amount equal to the cost estimate, approved by the Director of Planning and Zoning, for the removal of the Small Wind Energy System, plus a fifteen percent (15%) contingency.

2. That the applicable estimated cost for removal, including the fifteen percent (15%) contingency, is _____, and the required surety shall be equal to one hundred percent (100%) of this amount.

3. That a bond or letter of credit in the amount of _____ shall be submitted to the County prior to the issuance of a building permit. The bond or letter of credit must be in a form approved by the County.

4. That the surety will be held by the County until the Principal has complied with the standards specified in Section 267-27C(9)(b) of the Harford County Code. If all requirements of the Harford County Code have been met as determined by an inspection by the Department of Planning and Zoning, the surety will be returned. If the County determines that the Principal has not met all requirements of the Harford County Code, then the County reserves the right to retain the surety for dismantling and removal of the Small Wind Energy System.

5. That the Principal shall comply with all other applicable State, County, and Federal laws.

6. That a building permit will not be issued or approved until said surety is posted with the County.

7. That the Principal further agrees to comply with all applicable sections of the Harford County Code as it relates to the location of, dismantling, and removal of the Small Wind Energy System.

AS WITNESS our hands and seals as of the date first above written.

WITNESS:

Harford County, Maryland

BY: _____

Robert G. Cassilly
County Executive

WITNESS:

PRINCIPAL _____

BY: _____

Authorized Representative

Name/Title of Authorized Representative _____

Mailing Address: _____

E-Mail Address: _____

Approved as to form and legal sufficiency.

Reviewed and concurred by.

Margaret Hartka
Deputy County Attorney

date

Matt Kropp
Director of Planning and Zoning

date