

Performance Contract

This contract executed on the ____ day of _____, 2006, by and between _____, Subdividers as evidenced by a subdivision plat which is on file in the office of the Muskingum County Commissioners' Office, referred to as _____ Subdivision, _____ Township, Muskingum County, Ohio, and the Board of County Commissioners of Muskingum County, Ohio.

WITNESSETH:

1. The Subdividers hereinabove set forth is the owner in fee simple of the real estate known as _____ Subdivision located and situated in Quarter Township __, Township __, Range __, of the _____ Township, Muskingum County, Ohio.
2. It is the purpose and intention of this agreement to have the Subdividers agree in writing to the performance and completion of certain work in connection with the improvements to be located in and on said, subdivision, including the installation of streets, etc. It is the further purpose of this agreement to enter into a contract that shall be secured by a bank account, performance bond or irrevocable letter of credit (see Exhibit A) attached hereto and made a part hereof.

NOW, THEREFORE, IT IS AGREED:

- A. Subdividers as hereinbefore described, does herewith agree to construct, install and provide all public improvements as shown on Exhibit B on file in the office of the Muskingum County Engineer, including specifically the following work which has been determined by the Engineer of Muskingum County, Ohio, to be performed, but incomplete as of this date:

ESTIMATE OF SURFACE WORK IS

_____ (\$ _____)

See Exhibit B

- B. Subdividers agrees that said work shall be performed, completed and done pursuant to inspection by the Engineer of Muskingum County, Ohio. All plans and construction within Muskingum County shall comply with the applicable "Subdivision Regulations" of the County of Muskingum, Ohio governing the surface physical improvements for private developments within the unincorporated areas of Muskingum County.
- C. Subdividers further agrees to perform, complete and undertake all things required to obtain the approval of the Board of County Commissioners of Muskingum County, Ohio, and to do all things required to record said plat of said subdivision with the Recorder of Muskingum County, Ohio.
- D. Subdividers further agrees to construct, install, or otherwise make all public improvements shown on Exhibit B to the satisfaction of the County Engineer on the date of acceptance.
- E. Subdividers further agrees to do all that is required to accomplish the acceptance of the streets as public streets, within the specified time limit which includes posting a one-year Maintenance Surety and Maintenance Contract with the Board of County Commissioners of Muskingum County, Ohio.
- F. All of the foregoing shall be performed within a period of two (2) years from the date of this contract, which length of time is hereby fixed by said Board of County Commissioners of Muskingum County, Ohio, as a reasonable period of time, but if requested by the Subdividers, an extension thereof may be granted if approved by said Board.
- G. Subdividers does herewith and hereby agree to execute a surety in the sum of _____ Dollars (\$ _____), which amount is equal to the figure established by the Muskingum County Engineer, and which shall be to the satisfaction of and in favor of the Board of County Commissioners of Muskingum County, Ohio, to insure the faithful performance of this contract. If mutually agreed that the road has been built to meet the street standards in Article Five of the Subdivision Regulations of the County of Muskingum, Ohio and the Board of Muskingum County Commissioners are in agreement, the bond can then be released prior to the two year term limit.

IN WITNESS THEREOF, the parties have hereunto set their hands this _____ day of _____, 2006.

WITNESS SUBDIVIDER(S)

WITNESS BY: _____
MUSKINGUM COUNTY COMMISSIONER

BY: _____
MUSKINGUM COUNTY COMMISSIONER

WITNESS BY: _____
MUSKINGUM COUNTY COMMISSIONER