

PERFORMANCE AND INDEMNITY BOND

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION - HIGHWAY ENCROACHMENT INSTALLATION

PRINCIPAL (Second Party to encroachment agreement)

SURETY

AMOUNT OF BOND

DATE OF BOND

DESCRIPTION OF ENCROACHMENT AGREEMENT:

Route or Highway No. _____
County _____
Date of Encroachment Agreement _____
Specific Location of Encroachment:
Between _____ & _____
Type of Encroachment _____
(Water, Sewer, Gas, etc.)

KNOW ALL MEN BY THESE PRESENTS, That we the PRINCIPAL and SURETY above named, are held and firmly bound unto the Department of Transportation, an agency of the State of North Carolina, hereinafter called the DEPARTMENT, in the amount stated above for the payment for which sum we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the PRINCIPAL entered into a certain Encroachment Agreement with the DEPARTMENT hereinabove described and incorporated herein by reference;

NOW, THEREFORE, if the PRINCIPAL shall well and truly install the said encroaching facilities on and along the highway in accordance with the "Policies and Procedures for Accommodating Utilities on Highway Rights of Way" and any supplements thereto and in accordance with the other provisions of the said Encroachment Agreement and shall indemnify the DEPARTMENT for the failure to install the encroachments in accordance with the foregoing manual and provisions of the said Encroachment Agreement, then, this obligation to be void; otherwise to remain in full force and effect.

IN WITNESS WHEREOF, the above-bounden parties have executed this instrument under their several seals on the date indicated above, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

(Seal of Principal)

Attest:

Clerk or Secretary

(Seal of Surety)

PRINCIPAL (Type Name of Principal)

BY: _____
Mayor or Pres. or Vice President
(Delete Inappropriate Title)

(Name of SURETY)

BY: _____
Attorney-in-Fact

NOTE: Attach Power of Attorney and Certificate of Authority of Attorney-in-Fact.

FORM R/W 16 (This form to be used only by second party to encroachment agreement)

Revised July 1978