

**CITY OF MISSION HILLS, KANSAS  
PERFORMANCE AND MAINTENANCE BOND  
RIGHT-OF-WAY PERMIT – ANNUAL**

We, the undersigned

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*Complete name of Principal, State of formation and type of entity*

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*Complete address of Principal*

(the "Principal"), and

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*Complete name of Surety, State of formation and type of entity*

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*Complete address of Surety*

(the "Surety"), are authorized to transact business in the State of Kansas and, by these presents, are held and firmly bound unto the City of Mission Hills, Kansas (the "City") in the penal sum of Fifty Thousand Dollars (\$50,000), the payment of which sum well and truly to be made we bind ourselves, and our respective heirs, executors, administrators, successors and assigns, jointly and severally.

THE CONDITION OF THE FOREGOING OBLIGATION IS SUCH THAT:

The above-bonded Principal has obtained, or may obtain, from the City, right-of-way work permits (the "Permits") to excavate, trench, bore or tunnel under rights-of-way ("ROW") at designated locations under the City's jurisdiction for twelve (12) consecutive months beginning \_\_\_\_\_, 20\_\_\_\_ and ending \_\_\_\_\_, 20\_\_\_\_, pursuant to the City's ROW regulations in Chapter V, Article 6 of the City Code (the "ROW Regulations"); and

A performance and maintenance bond is required of the Principal to guarantee the proper restoration and replacement of ROW in accordance with the Permits and City ordinances and regulations (including but not limited to the ROW Regulations), and within the time specified for such completion.

NOW, THEREFORE, if Principal shall promptly and faithfully perform all obligations of the Permits, and all provisions, terms and conditions of the ROW Regulations, including but not limited to the obligation to repair, restore and/or replace the ROW such that the same shall endure without defect or need of repair for a period of two (2) years (the "Maintenance Period"), which Maintenance Period shall begin on the date of the Public Works Director's acceptance of the work identified in the Permits after closeout inspection and completion of any corrective actions that may be required pursuant to Section 5-626 of the ROW Regulations, then this obligation shall be and become null and void; otherwise, it shall remain in full force and effect.

PROVIDED, that the Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Permits or the work to be performed thereunder shall in any way affect its obligation on this bond, and the Surety hereby waives notice of any such change, extension of time, alteration or addition to the terms of the Permits or to the work to be performed thereunder.

If the City declares the Principal to be in default under any of the Permits and/or the Principal's agreement to properly restore and replace ROW in accordance with City ordinances and regulations (including but not limited to the ROW Regulations), the Surety shall promptly remedy the default by arranging for the completion of ROW restoration and replacement in accordance with the terms and conditions of this bond, and shall make available as work progresses sufficient funds to pay the cost of completion and other costs and damages for which the Surety may be liable hereunder, which sum shall not exceed the amount set forth in the first paragraph above. No right of action shall accrue on this bond to or for the use of any person or corporation other than the City or successors of the City.

*[Remainder of page intentionally left blank; signature page follows.]*

IN TESTIMONY WHEREOF, the Principal has hereunto set its hand, and the Surety has caused these presents to be executed in its name and its corporate seal to be affixed hereon by its duly-authorized attorney-in-fact on \_\_\_\_\_, 20\_\_.

**PRINCIPAL:**

(SEAL)

\_\_\_\_\_  
By: \_\_\_\_\_  
Title: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Witness

**SURETY:**

(SEAL)

\_\_\_\_\_  
By: \_\_\_\_\_  
Attorney-in-Fact

**NOTE:**

- 1. Surety companies executing bonds must appear on the Treasury Department's most current list (Circular 570, as amended) and be authorized to transact business in the State of Kansas.*
- 2. Accompany this bond with Attorney-in-Fact's authority from the Surety certified to include the date of the bond.*