

# **PUBLIC IMPROVEMENTS LABOR AND MATERIALS BOND**

(To Be Used with Completion of Public Improvements Agreement)

Case No.: \_\_\_\_\_

Bond No.: \_\_\_\_\_

Premium: \_\_\_\_\_

**WHEREAS**, the City of Victorville, a California municipal corporation and charter city, and \_\_\_\_\_ (hereinafter "Principal") have entered into an agreement whereby Principal agrees to install and complete certain designated public improvements, which said Agreement, dated \_\_\_\_\_, 20\_\_\_\_\_, and identified as **AGREEMENT FOR COMPLETION OF PUBLIC IMPROVEMENTS** for \_\_\_\_\_ (hereinafter the "Agreement"), is hereby referred to and made a part hereof; and,

**WHEREAS**, under the terms of said Agreement, Principal is required, before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Victorville to secure the claims to which reference is made in Title 3 (commencing with Section 9000) of Part 6 of Division 4, of the Civil Code of the State of California.

**NOW THEREFORE**, said Principal and \_\_\_\_\_, doing business under and by virtue of the laws of the State of California and duly licensed to conduct a general surety business in the State of California, as surety, (hereinafter "Surety"), are held and firmly bound unto the City of Victorville (hereinafter "City"), and all contractors, subcontractors, laborers, material suppliers, and other persons employed in the performance of the aforesaid Agreement and referred to in the aforesaid Code of Civil Procedure in the sum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, and also in case suit is brought upon this bond, will pay, in addition to the face amount thereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgment therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 3 (commencing with Section 9000) of Part 6 of Division 4, of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Should the condition of this bond be fully performed, then this obligation shall become null and void, otherwise, it shall be and remain in full force and effect.

**Public Improvements  
Labor & Materials Bond**

Case No.: \_\_\_\_\_

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The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Agreement or to the work to be performed thereunder or the specifications accompanying the same shall in any manner affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Agreement or to the work or to the specifications.

**IN WITNESS WHEREOF**, this instrument has been duly executed by the Principal and Surety above named, on \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Name of Principal (Developer)

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

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

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

Mailing Address:

\_\_\_\_\_  
Address of Principal

\_\_\_\_\_  
City, State Zip Code

\_\_\_\_\_  
Name of Surety Company

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

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

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

\_\_\_\_\_  
Address of Surety Company

\_\_\_\_\_  
City, State Zip Code

**NOTICE:** The signature of the Surety and the Principal on this bond must be acknowledged before a notary public. The Surety shall be authorized and licensed by the California Insurance Commissioner as an "admitted surety insurer."

**POWER OF ATTORNEY REQUIRED.** The Attorney-in-Fact (resident agent) who executes this bond on behalf of the surety company must attach a copy of his Power of Attorney as evidence of his authority. A notary shall acknowledge the power as of the date of the execution of the surety bond that it covers.

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Risk Manager