

Palm Beach County Zoning Division  
2300 N. Jog Road  
West Palm Beach, Florida 33411  
Phone: (561) 233-5200  
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**CASH BOND FOR EXCAVATION**

(Choose as many as applicable)

**ERM Bonds**

- Littoral Planting (\*)
- Excavated Area

**PZB Bonds**

- Upland Planting (\*)
- Upland Reclamation Area

**Engineering Bond** (Contact Engineering)

- Road Maintenance and Repair (with Haul Permit)

KNOW ALL MEN BY THESE PRESENTS: That we the undersigned \_\_\_\_\_ (“Applicant”), hereinafter called PRINCIPAL, tenders unto Palm Beach County, a political subdivision of the State of Florida, hereinafter called COUNTY, the full and just sum of \_\_\_\_\_ U.S. Dollars (\$ \_\_\_\_\_), lawful money of the United States of America, to which payment well and truly made bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents:

WHEREAS, APPLICANT AS the ABOVE BOUNDED Principal, contemplates submitting or has submitted an application for a Notice of Intent to Construct for Excavation or an administrative waiver under the Unified Land Development Code (ULDC), Article 4, Chapter B, Section 10, Excavation Uses, for the purpose of operation of a limestone aggregate mine, more specifically the excavation of \_\_\_\_\_ pursuant to Resolution No. \_\_\_\_\_;

WHEREAS, the term of said permit is that indicated opposite the block checked below:

- Beginning when the Notice of Construction has been issued and construction has begun and lasting for 75 years thereafter.
- Continuous, beginning the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,
- Subject to Conditions of Approval of Resolution No. \_\_\_\_\_; Control No. \_\_\_\_\_ and approved Site Plan Exhibit No. \_\_\_\_\_ and Reclamation Plan. Exhibit No. \_\_\_\_\_

WHEREAS, it is a condition precedent, pursuant to Article 4.B.10.B.7.d., Performance Guarantee Requirement, prior to approval of a Notice of Intent to Construct that a bond or other guarantee in the amount stipulated above be submitted with the application as a guarantee that the Applicant will, if granted an approval, comply fully with all prohibitions, restrictions and requirements set forth in ULDC, Article 4 Chapter B, Section 10, and conditions of approval issued thereunder.

NOW, THEREFORE, THE CONDITIONS OF THIS OBLIGATION ARE SUCH, that if the above bounded Principal has in all respects complied with the requirements of the ULDC described above then this obligation shall be void, otherwise, to be and remain in full force and effect.

APPLICANT IS ON NOTICE THAT, pursuant to paragraph Article 4.B.10.B.7.d.7, Duration and Release, the guarantee for the **excavated area** and **upland reclamation area** of Type III excavations may be reduced once the “as-built” plan is approved. However, the guarantee shall continue to cover the **upland planting and littoral planting areas** until released.

**Excavated Areas for Type III Excavations;** At the request of the applicant, the guarantees shall be released by ERM, after DRO certification of the final “as-built” reclamation plan, in accordance with Article 4.B.10.C.5.g, Use Approval and Procedures.

**Upland Reclamation Area;** At the request of the applicant, the guarantees shall be released by PZB, after DRO certification of the final “as-built” reclamation plan, in accordance with Article 4.B.10.7.c.5, Area of Record.

**Littoral and Upland Planting Reclamation Areas;** The guarantees shall remain in effect a minimum of 730 days (two years) after reclamation is completed in accordance with all requirements of ULDC Article 4.B.10. Guarantees shall not be released until approved plats or separate instruments are recorded and proof of recordation is provided to ERM and PZB, pursuant to Article 4.B.10.7.d, Performance Guarantee Requirements. Following verification of successful completion of reclamation through approval of the submitted as-builts, area of record, monitoring reports, and site inspection(s) by ERM and PZB, as applicable, guarantees shall be released.

**Road Maintenance and Repair;** The guarantee shall be released by the County Engineer and any applicable road maintenance authority after certification of the final phase of the as-built plan and upon final inspection and acceptance of the repair, maintenance and condition of the streets within the radius of impact.

**This cash bond may be cancelled only upon a 60 day written advance notice and acceptance of the cancellation by the Planning Zoning and Building Department (PZB) or Environmental Resources Management (ERM). Cancellation shall only be accepted by the County upon the submission by the Applicant of a replacement surety approved by the County (required by ULDC 4.B.10).**

**The amount of the cash bond shall be adjusted annually in accordance with the Consumer Price Index as published by the United States Government and approved by the County Attorney (required by ULDC 4.B.10).**

Applicant hereby acknowledges the content of the foregoing instrument and gives its full consent to all of the terms and conditions thereof.

The Applicant agrees and acknowledges that Palm Beach County has the right at its option to use the proceeds of the cash bond for corrective work or to fulfill applicant’s reclamation, reconstruction or maintenance obligations as set forth in the ULDC.

Should the County find it necessary to use the cash bond for corrective work or to fulfill the applicant’s reclamation, reconstruction or maintenance obligations as set forth in the ULDC, the PRINCIPAL shall be liable and the monies tendered hereby shall be used to reimburse the COUNTY the total cost thereof, including, but not limited to, engineering, legal, and contingent costs, together with any damages either direct or consequential, which may be sustained on account of the failure of the PRINCIPAL to carry out and execute all the terms and provisions of the PERMIT .

IN WITNESS WHEREOF, the PRINCIPAL \_\_\_\_\_ has executed these presents this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

(CORPORATE PRINCIPAL)

\_\_\_\_\_  
[a Florida corporation] [a (state) corporation,  
licensed to do business in Florida]

BY:           (signature of Pres. or Vice Pres.)            
(typed name) - (title)

ATTEST:

(Signature of other corp. officer)  
(typed name) – (title)

(Corporate seal) (if available)

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

-OR-

