

**STORMWATER MANAGEMENT LETTER OF CREDIT
(PERFORMANCE)**

____, 20____

Board of County Commissioners of
Washington County, Maryland
C/O Stormwater Management Field Coordinator
80 West Baltimore Street
Hagerstown MD 21740

Dear Commissioners:

We hereby establish our Irrevocable Standby Letter of Credit No. _____ in favor of the Board of County Commissioners of Washington County, Maryland (*the Commissioners*) at the request of and for the account of _____ at _____ effective _____ 20____ up to an aggregate amount of \$ _____ in U.S. dollars. Funds under this Letter of Credit are available at our office at _____, against your draft drawn at sight on us accompanied by a written certification from the Commissioners that the draft is a result of noncompliance with the guaranty to the County guaranteeing completion of work in accordance with stormwater management plans approved by the Deputy Director - Land Development Engineering of Washington County, Maryland, bearing the date _____ concerning construction of the stormwater management facility ("the SWM Facility") identified as:

Subdivision/Project Name/Section or Phase: _____

Recorded Plat No./Deed Reference: _____

Name, Number or Location of SWM Facility: _____

Your signed and dated statement as follows should accompany your draft:

The undersigned officer of the Board of County Commissioners of Washington County, Maryland, hereby certifies that the amount drawn represents amounts due and owing to the Board of County Commissioners of Washington County, Maryland, because _____ has defaulted or failed to pay under the terms of the Stormwater Management Ordinance for Washington County, Maryland, the construction plans approved by the Deputy Director - Land Development Engineering of Washington County dated _____, or the terms of a Guaranty to the Board of County Commissioners of Washington County, Maryland to guarantee the completion of work for construction of stormwater management facilities for _____ in accordance with stormwater management plans approved by the Deputy Director - Land Development Engineering of Washington County, Maryland, bearing the date _____.

All banking charges are for the account of _____.

Our obligation under this Letter of Credit shall not be affected by any circumstance, claim, or defense, real or personal, as to the enforceability of the Stormwater Management Ordinance for Washington County, Maryland or the construction plans approved by the Deputy Director - Land Development Engineering of Washington County dated_____; it being understood that our obligation shall be that of a primary obligor and not that of a surety guarantor, or accommodation maker.

Drafts and documents must be presented on or before _____. Drafts drawn under this credit must be marked "Drawn Under Irrevocable Standby Letter of Credit No. _____." Partial drawings are permitted.

We hereby agree with the drawers, endorsers, and bona fide holders of drafts drawn under and in compliance with the terms of this Letter of Credit that such drafts shall be duly honored on presentation and delivery of documents as specified.

This Letter of Credit sets forth in full the terms of our undertaking, and such undertaking shall not in any way be modified, amended, or amplified by reference to any document, instrument, or agreement referred to herein or in which this Letter of Credit is referred to or to which this Letter of Credit relates and any such reference shall not be deemed to incorporate herein by reference any document, instrument or agreement.

This Letter of Credit is issued subject to the Uniform Customs and Practice for Documentary Credits, 2007 Revision, ICC Publication No. 600 (UCP). To the extent applicable provisions of the UCP are not in conflict, in which case applicable provisions of the UCP shall prevail, this Letter of Credit shall be governed by and construed in accordance with the laws of the United States of America and the State of Maryland including the Uniform Commercial Code as in effect in the State of Maryland.

ISSUING BANK:

Signature

Printed Name

Name of Issuing Bank: _____

Address: _____

Phone: _____

Approved & accepted by:

Deputy Director - Land Development Engineering

Approved as to form and legal sufficiency:

John Martirano, County Attorney

Approved & accepted by:

Real Property Administrator