

LETTER OF CREDIT
MAINTENANCE FOR STORMWATER MANAGEMENT

(Funds must be available at a Maryland Bank or Branch Bank located within a County Contiguous to Washington County, Maryland)

_____, 20____

Board of County Commissioners of
Washington County, Maryland
c/o Administrative Assistant
Division of Permits and Inspections
747 Northern Avenue
Hagerstown MD 21742

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 concerning the maintenance and repair of the stormwater management facility (*the SWM Facility*) identified as:

Subdivision Name/Section or Phase: _____
Recorded Plat No.: _____
Name, Number or Location of SWM Facility: _____

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

The undersigned office 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 of Washington County, Maryland, the construction plans approved by the Director of Engineering of Washington County dated _____, and the Inspection and Maintenance Agreement of Stormwater Management facilities dated _____, requiring maintenance and repair of a stormwater structure and drainage facilities for Section _____ of _____ Subdivision.

All banking charges are for the account _____.

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 Director of 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 ___." 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:

By: _____
Signature

Printed Name and Title

Name of Issuing Bank: _____
Address: _____
Phone: _____

Approved & Accepted by:

Director of Permits &
Inspections/Code Official

Approved as to form legal
sufficiency:

County Attorney

Approved & Accepted by:

Real Property Administrator