

SUBDIVISION AGREEMENT

This agreement, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, between the Board of County Road Commissioners of Ogemaw County, Michigan, hereinafter referred to also as the Road Commission or the Commission, and

\_\_\_\_\_  
\_\_\_\_\_  
(individual, co-partnership, or corporation duly organized and doing business under the laws of the State of \_\_\_\_\_), hereinafter also referred to as the Subdivider, witness as follows:

WHEREAS, the Subdivider wishes the Road Commission to approve its plat known as

\_\_\_\_\_  
located in Section \_\_\_, T. \_\_\_ N. , R. \_\_\_ E. ( \_\_\_\_\_Township), before the road and drainage structures are completed, and

WHEREAS, the Road Commission wishes to have certain assurances that all work on the roads and drainage structures will be completed according to its specifications and within a reasonable time,

THEREFORE, the parties to this agreement do agree and covenant as follows:

1. APPROVAL OF PLAT

The Road Commission will approve the above named subdivision by affixing their names to the plat thereof.

2. WORK TO BE COMPLETED

The Subdivider will complete the items of work listed under this section in accordance with the specifications attached hereto.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Bond

In order to guarantee the completion of the items of work listed under Section 2 above, the Subdivider will provide a bond in the form of cash, cashier's check, certified check or irrevocable bank letter of credit in the amount of 100% of the estimated cost of the proposed project to the Board of County Road Commissioners of Ogemaw County, Michigan. The estimate of cost shall be determined by the Road Commissioner's Engineer. The estimate for this project covered by this agreement is determined to be

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4. TIME OF COMPLETION

Time being an element of this agreement, the following items shall control the time of completion.

A. All work under this agreement shall be completed on or before

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B. If the situation should require it, due to conditions unforeseen at this time, the date given under Section 4A above may be changed by written amendment to this agreement acceptable to both parties.

C. In the Event the Subdivider should in any manner transfer his interest in any part of the said subdivision to a third party before the date in Section 4A above, or as amended under Section 4B, before completion of the roads and drainage structures, and third party should require the road for access to his property the Subdivider shall proceed immediately with the improvements required for the roads to meet the conditions outlined in this agreement.

5. RIGHT OF THE ROAD COMMISSION TO TAKE OVER WORK

In the event the Subdivider should not complete the work as outlined in Section 4, the Road Commission may take over and complete the roads and drainage structures in the subdivision after giving notice to the Subdivider of its intention to do so, and may depend upon the bond furnished under Section 3 to pay the costs of completing the work.

6. NOTICE

All notices required by this agreement shall be delivered in person to the place of business or by certified mail. The following addresses shall apply for all purposes under this agreement.

ROAD COMMISSION - Ogemaw County Road Commission  
PO Box 157  
1250 S. M-33  
West Branch, MI 48661

SUBDIVIDER - \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. CONTROL OF ROADWAYS

The purpose of this agreement is to allow the Road Commission to give their formal approval by signing the plat of the subdivision, and thus permitting the Subdivider to proceed with the remainder of the approval process, while the Road Commission maintains control over the items which would normally be completed before they gave their formal approval. As a condition of this agreement it is understood that no acceptances or approval of the roads is implied by the Road Commission's entering into this agreement. Control of the roadways shall remain in the hands of the Subdivider and formal acceptance of the roads will be made in writing by the Road Commission upon the completion of the items listed in this agreement, or upon the Road Commission taking over the work for completion of the roads under the provision of Section 5.

8. REDUCTION OF BOND

As work progresses the amount of the bond may be reduced in an amount equal to the estimated value of items of work which have been satisfactorily completed. In the case of a cash bond, or certified cashier's check an amount equal to this value will be returned to the Subdivider.

9. COMPLETION

Upon the satisfactory completion of the roads in the subdivision covered by this agreement, the Road Commission will formally accept the roads in writing. The acceptance will release the Subdivider from the conditions of this agreement and his bond shall be returned to him.

APPROVED FOR THE BOARD OF  
COUNTY ROAD COMMISSIONERS  
FOR OGEMAW COUNTY, MICHIGAN

APPROVED FOR THE SUBDIVIDER

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
(name and title)

\_\_\_\_\_  
Engineer-Manager

\_\_\_\_\_  
(name and title)

\_\_\_\_\_  
(name and title)

\_\_\_\_\_  
(name and title)