

RELEASE OF DEPOSIT AGREEMENT

This Agreement is made between the CITY OF ESCONDIDO, a municipal corporation ("City") and _____ ("Depositor").

The Parties agree as follows:

1. A deposit has been submitted to the City in the amount of \$_____ for _____ ("Deposit").

2. Depositor is now representing that all work or conditions have either been fulfilled or waived such that the Deposit is no longer required, and has requested a refund of the Deposit.

3. The City shall release the Deposit to the Depositor.

4. Depositor waives, releases, and discharges City, its officers and employees from all claims and demands, rights and causes of action of any kind with respect to the Deposit and agrees to indemnify, defend, and hold harmless the City from all claims, lawsuits, damages, judgments, loss, liability, or expenses, including attorneys' fees, for any claims and demands, rights and causes of action of any kind which arise out of the Release of the Deposit. It shall be the City's option, at its sole and absolute discretion, whether to undertake the defense of any such Claim and Depositor shall remain responsible for any claims, demands, judgments, orders, rulings, damages, costs, expenses and fees, including court costs and reasonable attorneys' fees and expenses, arising out of or caused by such Claim.

5. This Agreement is the entire understanding of the Parties, and there are no other terms or conditions, written or oral, controlling this matter. This Agreement is governed by the laws of the State of California. Venue for all actions arising from this Agreement must be exclusively in the state courts located in north San Diego County, California. This Agreement may be executed in counterparts, each of which shall constitute the same instrument.

CITY OF ESCONDIDO

Date: _____

Signature

Department or Division Head Name & Title

[DEPOSITOR]

Date: _____

Signature

Name and Title (please print)

CLAIMING YOUR ENGINEERING DEPOSIT

Step 1: Fill out the *Engineering Deposit Claim Form and Release and Indemnification Agreement* and submit it to the City of Escondido Engineering Department.

Step 2: The City reviews your claim and determines if you are entitled to the deposit and whether or not the engineering work secured by the deposit has been completed in accordance with City standards.

Step 3: If your claim is accepted, you will be required to submit (or provide a copy of) the below information to release the deposit.

- A. Photo Identification
- B. Social Security number if an individual or an Employer Identification Number and IRS Form W9 if a business
- C. If claiming on behalf of a company, a letter of authorization on company letterhead identifying those officers or officials with the authority to sign and claim on behalf of the business
- D. If the company merged with another company, a copy of the merger agreement
- E. If the company was dissolved, a copy of the articles of dissolution
- F. Depending upon the claim, you may be required to show evidence you or the company you represent made the deposit (original engineering permit, deposit receipt, or project-related correspondence, etc.)

In accordance with Government Code 50052, if your claim is rejected, you may file a verified complaint seeking to recover all, or a designated part, of the money in a court of competent jurisdiction within the county. The copy of the complaint and summons shall be served within 30 days of receiving notice that the claim has been rejected. Funds shall be held until a decision is rendered by the court. If you have any questions about this process, please do not hesitate to contact Gabrielle Restivo at (760) 839-4039.