

CITY OF WALKER

RESOLUTION NO. 04-__

At a regular meeting of the City Commission of the City of Walker, Michigan, held in the City Commission Chambers in said City, 4243 Remembrance Road, NW, on Monday, the 22nd day of November, 2004, at 8:00 p.m., there were:

PRESENT: Mayor R. VerHeulen, Com. A. Parent, Com. D. Kent, Com. B. Holt,
Com. C. Deschaine, Com. C. Stek

ABSENT: Com. S. Versluis

The following resolution was offered by Commissioner B. Holt
and seconded by Commissioner C. Deschaine:

**A RESOLUTION SETTING BASIC APPLICATION FEES AND
ESTABLISHING AN ESCROW FUND REQUIREMENT FOR
CERTAIN APPLICATIONS AND DEVELOPMENTS.**

WHEREAS, the Walker City Commission ("Commission") desires to establish certain application fees for zoning, planning and subdivision reviews pursuant to the City of Walker Code of Ordinances, as amended, the Home Rule Cities Act, the City Charter and applicable State law; and

WHEREAS, there are certain development projects, zoning requests and planning applications which require the City of Walker ("City") to incur additional and at times extraordinary out-of-pocket costs and expenses above and beyond what is associated with the typical review of minor projects; and

WHEREAS, the Commission believes it is reasonable and appropriate to place the cost of processing zoning, planning and subdivision applications (or applications involving unusual costs to the City) onto the applicants involved rather than on the taxpayers of the City; and

WHEREAS, the Commission intends that zoning, planning and subdivision review fees and escrow amounts be reasonably proportionate to the costs incurred by

the City for the particular action requested, and that such fees and escrow amounts be used to defray the costs of administering the City of Walker Code of Ordinances under Michigan law; and

WHEREAS, the Commission intends to establish basic application fees and escrow accounts to accomplish the aforementioned goals.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The City Commission hereby adopts the Basic Fee Schedule set forth below effective immediately:

ZONING, PLANNING AND SUBDIVISION BASIC FEE SCHEDULE

Type of Review	Basic Fees
Site Plan Review	\$400 - New bldgs. & additions more than 5,000 sq. ft.
	\$200 - All others
Planned Unit Development	\$500
	\$300 - Major modification
Special Exception	\$300
Unique Use	\$200 w/ \$50 annual renewal
Rezoning	\$300 - 1 acre or less
	\$600 - more than 1 acre
Platted Subdivision	\$500
Site Condominium	\$500
Master Plan Amendment	\$500
Special Meeting	\$350

The Basic Fees noted above shall be designated to cover the following costs associated with review of an application:

- Applicant's appearance at regular Planning Commission and/or City Commission meetings
- Mailing and legal notices for public hearings
- Involvement by City officers and employees (excluding outside contractors or professionals such as engineers, planners, architects, landscape architects, arborists, legal counsel, etc.)

No part of the Basic Fees shall be refundable.

2. The City Commission hereby adopts the following Escrow Account Schedule effective immediately:

ESCROW ACCOUNT SCHEDULE

In addition to the Basic Fees set forth above, all other costs incurred by the City that are directly associated with reviewing and processing an application for certain uses shall be paid (or reimbursed to the City) from the funds in an Escrow Account established by the applicant as provided herein.

Applications requiring the submittal and maintenance of an Escrow Account include the following:

- Planned Unit Developments
- Special Exceptions
- Platted Subdivisions
- Site Condominiums
- Other applications when City staff and/or officials determine the need for establishing an Escrow Account based on the potential for exceptional or unusual costs being incurred by the City.

An Escrow Account shall be established for all applications for which the City will incur expenses after the effective date of this Resolution, including any applications having received preliminary review or approvals prior to the date of this Resolution.

The Escrow Accounts for uses specified herein are to be established in increments of \$500.00, commencing with an initial deposit to the City Treasurer at the time of application. The Planning Director or his or her designee shall determine the amount of the initial deposit in an amount reasonably estimated to be sufficient to cover the expected costs to be paid from the Escrow Account as provided below. The initial deposit shall be not less than \$1,000. No application shall be processed prior to the Basic Fee as set forth above and the initial deposit for the Escrow Account being deposited with the City Treasurer.

Any funds remaining in an Escrow Account after the application has been processed to completion will be refunded to the applicant of record. No interest shall be paid on refunded Escrow Account money.

At no time prior to the City's completion of review and processing of the application shall the Escrow Account balance be allowed to drop below \$500.00. If the Escrow Account balance does drop below \$500.00, the City Treasurer will so notify the applicant. The applicant must then deposit an additional amount of at least \$500.00 or

such greater amount as determined by the Planning Director or his or her designee to be reasonably necessary to cover anticipated remaining or future expenses, or both, to be paid from the Escrow Account as provided below. No further review and processing of the application shall occur until the Escrow Account has been re-established to the appropriate level as determined by the Planning Director or his or her designee.

The City may draw funds from the applicant's Escrow Account to reimburse the City for out-of-pocket expenses directly related to review and processing of the application. Expenses eligible for payment via the applicant's Escrow Account include, but are not limited to, the following:

- Services of the City Attorney directly related to the application (including the preparation of development agreements, if applicable)
- Services of consulting civil engineers directly related to the application
- Services of consulting traffic engineers and planners directly related to the application
- Services of consulting land use planners directly related to the application
- Services of other consulting professionals upon request of the City directly related to the application
- Additional public hearings and public notices necessitated by the application.

The City Treasurer shall maintain records regarding Escrow Accounts and shall authorize the disbursement of Escrow Account funds in writing. Such Escrow Account funds shall be accounted for separately and maintained in a separate bank account or bank account category.

If an applicant objects to the reasonableness or amount of the Escrow Amount funds it must deposit with the City or how the funds have been applied, the applicant can appeal the City's determination regarding these matters to the Walker City Commission. All such appeals shall be in writing and shall be made not later than thirty (30) days after receipt of the disputed Escrow Account billing or the decision of the Planning Director or his or her designee.

Upon vote for the adoption of said resolution, the vote was:

YEAS: Mayor R. VerHeulen, Com. A. Parent, Com. D. Kent,
Com. B. Holt, Com. C. Deschaine, Com. C. Stek


NAYS: Com. S. Versluis

The resolution was thereupon declared adopted.

The undersigned, being the duly qualified and acting Clerk of the City of Walker, Kent County, Michigan, does hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Walker at a regular meeting held this 22nd day of November, 2004, at which meeting a quorum was present and remained throughout, and that the resolution has not been amended or rescinded and that the original of the resolution is on file in the records of the City.

IN WITNESS WHEREOF, the official signature of the Clerk and the seal of the City of Walker are hereunto affixed this 23rd day of November, 2004.

Dated: 11/23, 2004


Sandra A. Wisniewski, City Clerk