

VILLAGE OF CALEDONIA
COUNTY OF KENT, MICHIGAN

At a regular meeting of the Village Council of the Village of Caledonia, held at the Township and Village Hall, 250 South Maple Street, Caledonia, Michigan, on the 11th day of May, 2009, at 7:00 p.m.

PRESENT: Members: Mitchell, Gilbert, Mulvihill, Williamson, Mortensen, Hahn, Erskine.

ABSENT: Members: none

The following resolution was offered by Member Erskine and seconded by Member Gilbert:

RESOLUTION NO. R09-11

**RESOLUTION ESTABLISHING CERTAIN VILLAGE FEES
AND INITIAL ESCROW AMOUNTS**

WHEREAS, the Village Council has evaluated the fees and minimum initial escrow payments currently required by the Village for applications for zoning and other land use matters currently being required by the Village and upon such review concludes that the fees and minimum initial escrow payments should be revised; and

WHEREAS, the Village Council continues to acknowledge that the costs associated with reviewing and processing certain applications for Village approval can be considerable, can greatly differ between applications, and cannot always be accurately predicted at the time an application is submitted; and

WHEREAS, the actual costs of review should properly be borne by the applicant.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. **Basic Application Fees.** The stated fees for applications for Village approvals, established by resolution of the Village Council from time to time, are to be considered basic application fees which cover only consideration of the application at a regularly scheduled meeting

of the Village Council, Planning Commission, Zoning Board of Appeals or other Village body, together with associated costs of publication and mailing of notices of hearings, as applicable.

2. **Escrow Fees.** In addition to the basic application fees and the services covered thereby, applicants for Village approvals shall be responsible for all costs and expenses incurred by the Village which are directly associated with reviewing, processing and approving or denying the application. To pay for such costs, applicants shall deposit funds into an escrow account as provided herein, to be held in trust by the Village on behalf of the applicant. The Village may draw funds from an applicant's escrow account to reimburse the Village for out-of-pocket expenses incurred by the Village relating to the application. Such reimbursable expenses include, but are not limited to, expenses related to the following:

- a. Professional review and input by engineers, community planners, building officials, sheriff and fire department personnel, and any other professionals whose expertise is deemed appropriate by the Village for effective evaluation of the application or request;
- b. Review by the Village attorney and preparation of any resolutions, ordinances, agreements, legal notices and other documents directly related to the application and assistance rendered by the Village attorney in identifying and applying the applicable regulations;
- c. Special meetings of the Village Council, Planning Commission or Zoning Board of Appeals;
- d. Subcommittee meetings directly related to the application;
- e. Any additional public hearings, required mailings and legal notices necessitated by the application that are not covered by the basic application fee; and
- f. Other services and expenses that are directly related to the application.

3. **Fees and Initial Escrow Deposit.** The following Village fees shall become effective as of the date of this resolution. In addition, if the Village official responsible for receiving and

processing the application determines that the application is one for which such costs for review are likely to be incurred, the official shall require the applicant to pay into escrow, in advance, an amount not less than \$500 or, with respect to the matters listed below, not less than the specified minimum initial escrow amounts, as follows:

	Application Fee	Minimum Initial Escrow Deposit
a. Rezoning of lands		
(1) Residential (not PUD):	\$250	\$1,000
(2) PUD:		
(i) Residential:	\$400	\$3,000 + \$10/acre
(ii) Commercial:	\$400	\$3,000 + \$50/acre
(iii) Mixed Used:	\$400	\$3,500 + \$50/acre
(3) Commercial:	\$400	\$3,000
(4) Conditional rezoning:	\$400	\$3,000
b. Special land uses:	\$300	\$2,500
c. Site condominiums and condominiums:	\$400	\$3,000 + \$10/acre
d. Land divisions:	\$150	\$500*
e. Platted subdivisions:	\$400	\$3,000
f. Site plan review:	\$250	\$2,000 + \$5/acre
g. Zoning Board of Appeals		
(1) Dimensional variances and zoning ordinance interpretations:	\$250	\$750
(2) Use Variances:	\$250	\$1,250
(3) Appeals from prior ruling:	-0-	-0-
h. Licenses for Use of Public Right of Way:	\$500	-0-

*If required by land division administrator.

The initial escrow deposit shall be provided, in cash or its equivalent, to the Village Treasurer at the time of application. No application shall be processed prior to the required escrow having been deposited with the Village Treasurer.

4. **Additional Escrow Deposits.** If funds in the escrow account are depleted, the applicant shall make an additional deposit sufficient to cover any deficit and to re-establish a balance of at least \$500, or an additional deposit in such greater amount, as is determined by the Village official responsible for receiving and processing the application, to be reasonably necessary in order to cover anticipated remaining or future expenses. No further action shall be taken on an application until the escrow account has been re-established to such appropriate level, as determined by the Village official.

5. **Refund.** Any excess funds remaining in an escrow account after the application has been fully reviewed and processed, as determined by the Village official responsible for reviewing and processing the application, shall be refunded to the applicant, without payment of interest.

6. **Land Division Fees.** By means of this resolution the Village Council establishes that applicants for land division approval shall pay the costs of review incurred by the Township, including the cost of services by the Township attorney, Township engineer or other consultant as may be necessary or helpful to review the application. Such charges shall be in addition to the basic fee, in an amount equal to the Township's actual expenses incurred for reviewing the application. The land division administrator shall determine if the application is one for which such costs of review are likely to be incurred, and if the land division administrator so determines, the land division administrator shall require the applicant to pay into escrow, in advance, an amount estimated to be sufficient to cover the expected costs. If an applicant objects to the amount of escrow funds required to be deposited, it may appeal that determination to the Township Board within thirty (30) days after the initial decision by the land division administrator.

7. **Expenses in Excess of Escrow.** If the balance of the expenses for the application for any reason exceeds the amount remaining in escrow following final action by the Village, the Village shall send the applicant a statement for such additional amount due. Until the applicant has paid such additional amount for the expenses of review, no further building permit, certificate of occupancy or other permit or final Village approval shall be issued with respect to the application. If any such expenses remain unpaid for a period of 30 days the Village may issue appropriate stop work orders or take other lawful action. In addition, the Village may take any available legal action to collect unpaid amounts or for other purposes.

8. **Accounting and Recordkeeping.** The Village Treasurer shall maintain accurate records regarding each escrow account established pursuant hereto and shall authorize the disbursement of escrow funds in writing. Such escrow funds (from one or more applicants) shall be kept in a separate bank account or bank account category.

9. **Consent of Applicants.** The form of application for approvals covered by this resolution shall include a statement that the applicant agrees to pay the Village's expenses for review of the application and other above-stated expenses, and the applicant shall sign the application in the space provided.

10. **Appeal.** If an applicant objects to the reasonableness of any required escrow deposit imposed by the Village, the applicant may appeal that determination to the Village Council. All such appeals shall be in writing and shall be made not more than 30 days after the receipt of any Village invoice regarding the application, as applicable.

11. **Pending Applications.** This resolution covers reimbursements of Village expenses in pending matters that have already been incurred or that are incurred subsequent to the date of this resolution. As to such matters, the Village shall notify the applicants to deposit a specified amount

into escrow for reimbursement of expenses incurred and expected to be incurred by the Village in reviewing the application.

12. **Village Manager.** If no Village official is specified by ordinance or policy to receive an application or make determinations with respect to establishing an initial escrow deposit or additional amounts to be deposited in escrow, the Village Manager, or the Village Manager's designee, shall take such applications and make the necessary determinations with respect to the amounts to be placed and maintained in escrow.

13. **Effective Date.** This resolution shall be effective immediately upon its adoption.

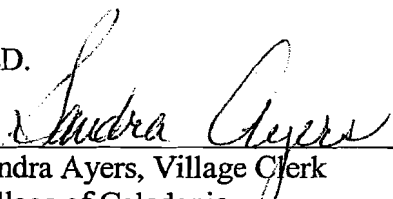
14. **Repeal of Conflicting Resolutions.** All resolutions and parts of resolutions in conflict herewith are hereby rescinded.

AYES: Members: All

NAYS: Members: -0-

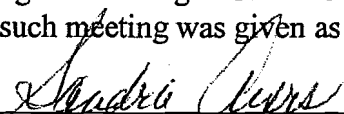
ABSENT: Members: -0-

RESOLUTION DECLARED ADOPTED.



Sandra Ayers, Village Clerk
Village of Caledonia

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Village Council of the Village of Caledonia at a regular meeting thereof held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.



Sandra Ayers, Village Clerk
Village of Caledonia

**VILLAGE OF CALEDONIA
COUNTY OF KENT, MICHIGAN**

ESCROW AFFIDAVIT

I have read and acknowledge the Village Resolution Establishing Fees for Reimbursable Expenses, dated September 9, 1996, which resolution provides for reimbursement of Village expenses in zoning matters. The resolution authorizes the establishment of escrow accounts for such reimbursement and adopts other provisions relating to zoning permits and approvals.

Name _____
[Please print]

Signed _____

Date _____

Project Name _____

Person/Company Responsible for account: (Billing purposes)

Address _____

City _____ State _____ Zip _____

Phone No. _____ Fax No. _____

E-mail Address _____

Date of Application _____

Action Requested _____

ALL ESCROW CHARGES MUST BE CURRENT OR PROJECT/APPLICATION WILL BE REMOVED FROM THE PLANNING COMMISSION AGENDA (OR VILLAGE COUNCIL AGENDA, AS APPLICABLE) AND NO ACTION WILL BE TAKEN.

NO BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY OR OTHER PERMITS WILL BE ISSUED IF THERE IS AN UNPAID ESCROW ACCOUNT BALANCE.

For Village office use only. Reviewed by: _____
Initial escrow required _____ Date Received and Check # _____
Supplemental escrow amounts _____ Date Received and Check # _____
Total fee: \$ _____ Balance returned, if any \$ _____ Date _____