

CITY OF WALKER
RESOLUTION NO. 22-636
Escrow Account Schedule

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 of August 2022 , at 7:00 p.m., there were:

PRESENT: Mayor Carey, Commissioners S. Gilbert, J. Babcock, T. Burke, R. Deschaine, M Grooter, and E. Huizenga-Chase.

ABSENT: None

The following resolution was offered by Commissioner Chase and seconded by Commissioner Gilbert:

**A RESOLUTION UPDATING THE 2004 ESCROW FUND
REQUIREMENT FOR CERTAIN APPLICATIONS, PROJECTS, AND
DEVELOPMENTS.**

WHEREAS, the Walker City Commission ("Commission") desires to update the escrow policy for zoning, planning, building and reviews pursuant to the City of Walker Code of Ordinances, as amended, the Home Rule Cities Act, the Zoning Enabling Act, the State Construction Code, the City Charter and applicable state law; and

WHEREAS, certain development projects, zoning requests, and planning or building applications require that the City of Walker ("City") incur additional and at times significant out-of-pocket costs and expenses beyond what is otherwise accounted for or typically associated with standard projects and reviews; and

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

WHEREAS, the Commission intends that zoning, planning, building escrow fees be reasonably proportionate to the costs incurred by the City for the particular action requested, and that such 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 update the City escrow policy to accomplish the aforementioned goals.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

ESCROW ACCOUNT SCHEDULE

In addition to the Basic Application and Similar Fees set forth by City Commission resolution from time to time, all other costs incurred by the City that are directly associated with reviewing and processing an application for those uses identified herein shall be paid (or reimbursed to the City) from the funds in an Escrow Account.

Projects that may require the submittal and maintenance of an Escrow Account include the following:

- Planned Unit Developments
- Special Exceptions
- Platted Subdivisions
- Site Plan Reviews
- Rezonings
- Site Condominiums
- Zoning Board of Appeals Cases
- Building Code Board of Appeals Cases
- Land Divisions
- Other applications when the City determines the need to establish an Escrow Account based on the reasonable potential for exceptional or unusual costs being incurred as expressed herein.

An Escrow Account shall be required for all applications for which the City reasonably anticipates incurring expenses beyond the normal costs associated with standard application fees, including those applications which are pending before the City at the time of this Resolution's adoption and have not received final approval.

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 set the amount of the initial deposit reasonably estimated to be sufficient to cover the expected costs to be paid from the Escrow Account as herein. Generally, the initial deposit shall be not less than \$1,000. No application shall be processed prior to payment of any Basic Application Fee established by City Commission resolution as well as the Escrow Account being deposited with the City Treasurer when required.

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 a refunded Escrow Account.

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 if additional funds are required for anticipated costs. 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 subject application, or any other applications associated with the project 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. Documentation of such draws shall be provided to the applicant. 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, public notices, and/or special meetings necessitated by the application or requested by the applicant.

The City 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 may 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. All City reviews, analyses, and project activities shall cease during this appeal period until a determination has been made by the Walker City Commission.

2. This Resolution shall take immediate effect upon its adoption.

3. All resolutions and parts of resolutions in conflict herewith are, to the extent of such conflict, repealed.

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

YEAS: 7

NAYS: 0

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 August 22, 2022, 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.



Deborah Goudy, Walker City Clerk