

East Bay Charter Township
Trust and Agency Escrow Policy

6

Motion by: _____ Second by: _____

To

Adopt

Table

Deny

Roll Call Vote:

Yes: _____

No: _____

Absent: _____

Abstain: _____

Motion

Passed

Failed

East Bay Charter Township Escrow Policy

Adopted:

1. In an effort to ensure that any unforeseen costs of processing a matter pursuant to the Township's Zoning Ordinance are covered by the applicant and to implement section 806 of the Township's Zoning Ordinance, the Township has established an Escrow Policy. As described in section 806, the Escrow Policy shall apply to actions for any of the following:
 - Any matter that will be reviewed or will be subject to an appeal pursuant to the Township's Zoning Ordinance when the Township's Planning and Zoning Staff determines that the basic zoning fees will not cover the actual costs of the review or appeal for which professional assistance is necessary.

2. The initial application fees (per the East Bay Charter Township fee schedule) for the above actions are based on the estimated actual costs for processing an application. Any application requiring staff services, mailings, notices or professional review in addition to normal processing costs shall be subject to the Escrow deposit policy outlined in paragraph 3 hereof. The normal processing costs and services covered by the initial application fee include:
 - a. Site Plan Review, Conditional Land Use
 - Up to two (2) Planning Commission meetings including any costs for copies, advertising, supplies and, staff time to prepare
 - One (1) mailing of notices
 - Meetings with staff
 - Copy of staff reviews/reports to Planning Commission

 - b. Planned Unit Development
 - Everything from 2(a) above
 - Copy of staff reviews/reports to Planning Commission/Township Board

 - c. Zoning Map Amendment/Zoning Amendment
 - Everything from 2(a) above
 - One (1) total mailing of notices
 - Up to one (1) regularly scheduled Township Board meetings including any costs for copies, advertising, supplies, and staff time to prepare

- Submission for County Planning review
 - Any post-approval advertisement
- d. Zoning Board of Appeals Review (interpretation, variance or appeal)
- Up to two (2) Zoning Board of Appeals meetings including any costs for copies, advertising, recording secretary, supplies and, staff time to prepare
 - One (1) mailing of notices
 - Meetings with staff
 - Copy of staff reviews/reports to ZBA

All costs incurred in the processing of any application mentioned in this section that are beyond the services listed above will be charged to the applicant and are subject to the terms of this Escrow Policy and the East Bay Charter Township Zoning Ordinance

3. **Escrow deposits** No application for approval will be processed until the assessed escrow is deposited in cash or certified check with the Township Treasurer. The amount of the escrow deposit shall be established based on an estimate of the cost of the services to be rendered by the professionals contacted by the Township. Generally, escrow deposits shall be required for, but not necessarily limited to, the following:

- Attorney reviews, including attendance at meetings
- Planner review
- Engineer review
- Condominium Document review by a professional
- Easement Review by a professional
- Traffic Impact Studies
- Environmental Assessments
- Structural Design Review by a professional
- Maintenance Agreement Review by a professional
- Performance Guarantee
- Other necessary independent reviews as required by the ZBA or Planning Commission.

As authorized in section 806, additional escrow deposits may be required at any time during staff review if additional information changes the requirements of the application and/or upon Planning Commission review.

4. Per the East Bay Charter Township Zoning Ordinance section 806, all escrow deposits must be current or the application will be deemed incomplete or procedurally defective and can lead to denial or dismissal of the review or appeal.

5. The applicant is entitled to receive a copy of any professional review prepared for the Township and a copy of the statement of expense for the professional services rendered.
6. The applicant shall be entitled to a refund of any unused escrow deposit and a statement of account at such time as all outstanding questions and issues with respect to the application have been resolved.
7. Waivers. Where an action or omission by the Township Board, Planning Commission or Zoning Administrator results in unusual or duplicative services, mailings, notices or professional services, the Township Supervisor may, but shall not be required to, waive the payment of additional escrow deposit amounts or application fees which, but for such action or omission, would otherwise not have been required.
8. The applicant shall be responsible for any costs incurred by the Township in excess of the escrow funds. Any such excess costs must be paid prior to the issuance of any permit or a final decision.

Escrow Policy Acknowledgement

I have read, and agree to abide by, the East Bay Charter Township policy concerning escrow fees.

Name (please print) _____

Representing _____

Signed _____ Date _____

Project Name _____

Person/Company responsible for account (billing purposes):

Name _____

Mailing Address/PO Box _____

City _____ State _____ Zip _____

Phone Number: _____ Fax Number _____

e-mail address _____

*****ALL ESCROW DEPOSITS MUST BE CURRENT OR PROJECT WILL BE REMOVED FROM AGENDA OR TABLED, AND NO ACTION WILL BE TAKEN*****