

New Market Township Escrow Policy Statement

Policy: Escrow required reimbursing Township costs relating to land use issues.

Purpose of Policy: To ensure that the cost of development is not borne by the Township.

Policy:

All costs incurred to the Township associated with a land use application are to be paid by the applicant and/or property owner. The applicant and/or property owner shall reimburse the Township for all reasonable administrative, legal, planning, engineering and other professional costs incurred in the processing of said land use application, the creation, administration, enforcement or execution of any Developer's Agreement, as well as all reasonable engineering expenses incurred by the Township in designing, approving, constructing, installing, and inspecting any required improvements.

The applicant and/or property owner shall establish an escrow with the Township to insure that the Township is reimbursed for these development costs prior to the Town Board considering the applicant and/or property owner's land use request. The applicant and/or property owner shall provide to the Township, in cash or certified check, for deposit in an escrow fund, amounts for estimated future Township administrative, engineering and legal fees in an amount determined by the Town Board. If the escrow amount is depleted, the applicant and/or property owner shall furnish additional monies as requested by the Township. Any amounts not utilized from this escrow fund shall be returned to the person or entity that deposited the escrow, without interest, when all required obligations of the applicant and/or property owner to the Township, including all financial obligations, have been satisfied.

Township administrative charges that may be charged against the applicant and/or property owner's escrow account include mileage reimbursement, personnel time at an hourly rate, copy charges, and postage. Documentation of these charges will be found on the escrow statements maintained by the Township and may be substantiated by payroll records and consultant's invoices to the Township.

The monthly administration fee of the developer escrow will be a minimum of \$25 per month when there is any activity recorded to that escrow. Non-active escrows will not incur any charge. The charge shall include Treasurer administrative time, postage and copying.

Township clerk presence at meetings or as otherwise required, will be charged an hourly rate of \$35 plus any associated mileage costs.

Administrative charges will be posted to escrow accounts and the applicant and/or property owner shall have thirty (30) days from the date of the escrow statement to contest any charges. After that point it will be assumed that the applicant and/or property owner concurs with the charges and will pay it.

Prepared By: Town Attorney

Approved by Town Board: May 2, 2017