



**CITY OF MARENGO
REIMBURSEMENT OF FEE'S AGREEMENT**

Owner:

Name of Property Owner: _____

Owners Address: _____

Telephone Number: _____

Petitioner

Name of Petitioner: _____

Petitioners Address: _____

Telephone Number: _____

Property Location:

Address of Property: _____

PIN(s) of Property: _____

Total Acreage: _____

**** Legal description of property must be attached as Exhibit A**

A. Deposit:

In the event it is necessary for the City to obtain professional services including, but not limited to, attorneys, engineers, planners, architects, surveyors, traffic or drainage experts, or other consultants, in connection with any petitioner's request for the City to consider or otherwise take action upon any annexation, zoning change, subdivision development, planned development (PUD) or other improvement or development upon real property, then

the petitioner and owner of the property shall be jointly and severally liable for the payment of such professional fees plus five percent of the professional fees to cover the City's administrative expenses. At the time the petitioner requests action from the City he/she will be required to deposit an amount with the City as listed in Exhibit B of Chapter 20 of the Marengo Municipal Code as an initial deposit to be credited against fees and costs incurred for the above described services.

B. Invoices:

The City shall send a petitioner regular invoices for the fees and costs incurred thus far, and the petitioner shall reimburse the City within 30 days of said invoice. At all times the petitioner shall maintain a balance equal to its deposit with the City.

C. Withdrawal of Petition:

A Petitioner who withdraws a petition may apply in writing to the City for a refund of the initial deposit. The City Council may, at its discretion, approve the refund application less any actual fees and costs which the City has already incurred relative to the petition.

D. Professional Fees:

Any professional fees incurred as a direct or indirect result of the petitioner, owner or their agent requesting a professional opinion or otherwise requesting relief or assistance from the City, whether or not related to real property, shall be reimbursed in accordance with Chapter 20 of the Marengo Municipal Code if, at the sole discretion of the City, a professional opinion is desired or necessary.

E. Default:

Upon the failure of the owner or petitioner to reimburse the City in accordance with this subsection no action on any request made by the owner or petitioner will be undertaken by the City Council or by any other official, quasi-official or deliberative individual or body thereunder; and such request shall remain in abeyance until all outstanding fees are paid in full. Upon any failure to reimburse the City in accordance with Chapter 20 of the Marengo Municipal Code, the City may, at its discretion, elect to place a lien against any real property associated with the petitioner's request. Interest in the amount of 1.5 percent per month shall accrue on all sums outstanding for 30 days or more. Such lien shall be in an amount equal to the outstanding amount owed to the City.

F. Assigning Authority:

The Mayor and City Council and the designated City staff members are hereby authorized to assign requests for professional services to the City staff or to consultants as the City Council deems appropriate.

G. In-House Staff:

When any professional services contemplated by this Chapter 20 are rendered by the City staff, then in such case the party making the request shall reimburse the city for its cost incurred in providing said professional services. Said reimbursement shall be at the rate of \$30 per hour.

H. Remedies:

The remedies available to the City as set forth hereinabove are non-exclusive and nothing herein shall be construed to limit or waive the City's right to proceed against any or all parties in a court of law of competent jurisdiction.

I. Agreement:

At the time the petitioner requests action from the city he will be required to enter into an agreement with the City that contains the parameters of Section 20.02 of the Marengo Municipal Code.

J. Refund:

Any surplus funds in the account of the petitioner or owner after all costs are paid shall be returned after approval by the City Administrator or City attorney, upon written request by the petitioner or owner.

K. Higher Deposit:

Notwithstanding any of the provisions in Section 20.02 of the Marengo City Code, the City, through its Mayor, City Council or Administrator, may require a higher deposit and a reimbursement of fees agreement containing additional requirements of the petitioner for development proceedings or review after taking into account the following factors: 1.) scope of the development; 2.) the acreage of the development; and 3.) the anticipated expense of professional consultants including, but not limited to, engineers, land planners and attorneys, reasonably necessary to review the proposed development request. In addition, the City, through its Mayor, City Council, Administrator or Attorneys, may negotiate other items relative to the review or development proceeding including, but not limited to, the use of specific consultants and/or attorneys, rates, and budgets.

By signing this agreement, the petitioner and/or owner acknowledge that each of them has read the foregoing paragraphs and each of them fully understands and agrees to comply with the terms set forth herein. Further, by signing below, each signatory warrants that he/she/it possess full authority to so sign.

The owner and/or petitioner agree that owner and petitioner shall be jointly and severally liable for payment of fees referred to in applicable sections of the ordinances of the City of Marengo, and as referred to hereinabove.

City of Marengo

Petitioner

By: _____

By: _____

Print: _____

Print: _____

Title: _____

Title: _____

Date: _____

Date: _____

City of Marengo Reimbursement of Fees Agreement (DEPOSIT)

Chapter 20 of the Marengo Municipal Code

All checks to be made payable to: **City of Marengo** 132 East Prairie Street, Marengo IL 60152

815-568-7112

DEPOSIT: In the event it is deemed necessary for the City to obtain professional services including but not limited to the following: attorneys, engineers, planners, architects, surveyors, traffic or drainage experts, or others consultants, in connection with the petitioner's request for the City to consider or otherwise take action upon any annexation, zoning change, subdivision development or other development upon real estate property. This is to be an initial deposit to be credited against fees and costs incurred for the described information below. (Fees (deposits) are Not cumulative. Only the highest applicable deposit for a multi-part proceeding is required) (amount are shown in chart below)

INVOICES: Regular invoices shall be sent to the petitioner for costs incurred, and the petitioner shall remit to the City within 30 days of said invoice to maintain required deposit amount. Interest in the amount of 1.5 percent per month shall accrue on all sums outstanding for 30 days or more.

REFUND: Any surplus funds in the account of the petitioner after all costs are paid shall be returned after approved by the City Administrator or City Attorney, upon written request of the petitioner.

OWNER: Name of Property Owner: _____
 Owner's address: _____
 Telephone numbers: Daytime: _____ Evening: _____

PETITIONER: Name of Petitioner: _____
 Petitioner's Address: _____
 Telephone numbers: Daytime: _____ Evening: _____

LOCATION OF PROPERTY:
 General location _____

Total acreage: _____ Parcel Identification Number _____ - _____ - _____
 (If more than one please include all)

LEGAL DESCRIPTION: (attach as Exhibit A) (use additional page if necessary)

Exhibit B

Proceeding	FEE (deposit)	Proceeding	FEE (deposit)
Annexation	\$10,000.00	Appeal	\$500.00
Re-zoning, residential, per lot	\$500.00	Re-zoning, commercial	\$5,000.00
Special Use permit, residential	\$500.00	Special use permit, non-residential	\$1,000.00 per acre up to \$5,000.00
Zoning text amendment	\$5,000.00	Zoning variation, residential (1 lot)	\$1,500.00
Zoning variation, residential (2 or more lots)	\$2,500.00	Zoning variation, non residential	\$3,000.00
Zoning upon annexation	\$750.00 per acre, up to \$5,000.00	Subdivision or planned development, up to 2.0 acres	\$5,000.00
Subdivision or planned development, greater than 2.0 acres, but less than 20.0 acres	\$10,000.00	Subdivision or planned development, 20.0 acres or more	\$15,000.00
Site plan review, up to 2.0 acres	\$2,000.00	Site plan review, greater than 2.0 acres	\$7,000.00
Other improvement or development activity, individual residential	\$1,000.00	Other improvement or development activity, multi-lot residential or non-residential	\$2,000.00

City of Marengo: By: _____
 City Administrator

Date: _____

Petitioner: _____
 Owner