

**CITY OF APPLE VALLEY**

**DEPOSIT AGREEMENT**

THIS AGREEMENT is made this \_\_\_\_ day of \_\_\_\_\_, 2023, by the Applicant and Owner (hereinafter individually and collectively referred to as "Applicant") in favor of the City of Apple Valley, (hereinafter referred to as "City").

Applicant: name and address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Owner: name and address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant is requesting City approval of a rezoning, subdivision, preliminary plat, final plat, conditional use permit, interim use permit, site plan review/building permit authorization, variance, or sketch plan. Under authority granted to it, the City requires the Applicant and Owner to execute this Agreement and to provide a cash deposit to the City for the payment of all costs incurred by the City in reviewing the application(s).

Applicant shall deposit in cash with the City the initial amount identified for each of the application escrow fees submitted as described on Exhibit "B" attached hereto.

Applicant acknowledges that the City shall not commence to review and process an application until this Agreement is executed by the Applicant and Owner and the Agreement and the cash deposit is delivered to the City.

The City will deposit the money in its account (Deposit Account) and draw upon the deposit to pay the costs it incurs in connection with the application. The City shall determine all of its costs, including both administrative and consulting services, in accordance with the fee schedule, annually adopted, by the City. The City shall not be responsible for paying any interest on the money deposited under this Agreement.

If in the discretion of the City, there is deemed to be an inadequate balance in the Deposit Account to pay for all the fees and costs incurred by the City, the City will notify the Applicant of the need for additional funds and the amount required to be further paid. Applicant shall pay such additional funds within ten (10) days of receipt of such notice. For purposes hereof, receipt of notice shall be deemed made upon the depositing of the notice in the U. S. Mail, postage paid.

No application will be processed or continued to be processed or acted upon by the City until all amounts due under this Agreement, including any amount identified in any notice for additional funds, have been paid in full.

If the application process is completed, withdrawn by the Applicant or denied by the City, any remaining balance in the Deposit Account shall be paid to the Applicant within (90) days of receipt by the City of a written request by the Applicant.

Upon request, the City will provide the Applicant an accounting of all expenses charged against the Deposit Account, but in no event more often than monthly. An accounting will be provided when a notice is made by the City for additional funds.

Applicant and Owner shall indemnify and hold the City harmless from any liability, claim, action or suit by or any obligation to the Applicant arising from or in connection with the terms and conditions of this Agreement. The Applicant shall pay all costs and expenses, including reasonable attorney fees and suit costs, incurred by the City arising from or in connection with the City enforcing any terms and conditions of this Agreement.

APPLICANT:

OWNER:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**EXHIBIT A**

**2023 CONSULTANT FEES (Hourly)**

**Current Fees**

Legal (Dougherty, Molenda, Solfest, Hills & Bauer P.A.):

Development Work – hourly rate	\$271.63
Municipal Attorney – hourly rate	\$178.13
Municipal Paralegal – hourly rate	\$111.39

Soil/Water/Wetland (Dakota County Soil & Water Conservation District):

Commercial, Industrial, Roads, Drainage, and Other Inspection fee (per hour per visit)	<b>To Be Determined</b>
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City Engineering Design and Contract Administration Fee Table:

<b>Construction Cost</b>	<b>Fee = % of Construction Cost</b>
\$0 - \$250,000.00	7.20%
\$250,000.00 - \$500,000.00	5.90%
\$500,000.00 - \$750,000.00	5.40%
\$750,000.00 - \$1,000,000.00	5.10%
\$1,000,000.00 - \$2,000,000.00	4.70%

City Engineering Hourly Rates:

Assistant City Engineer	\$164.00
City Engineer	\$182.00
Civil Engineer	\$142.00
Engineering/Construction Technician I	\$95.00
Engineering/Construction Technician II	\$120.00
Engineering/Construction Technician III	\$142.00
Engineering Intern	\$58.00
GIS Technician	\$110.00
Natural Resources Coordinator	\$142.00
Natural Resources Technician	\$96.00
Water Resources Specialist	\$112.00

## EXHIBIT B

### 2023 ESCROW SCHEDULE

APPLICATION	ESCROW AMOUNT
Preliminary Subdivision, Preliminary Planned Development <sup>2</sup> and/or Waiver of Subdivision (Initial Deposit) <sup>1</sup>	\$262.00 per acre; \$2,508.00 minimum for single family; \$5,015.00 minimum for multi-family/commercial/industrial/institutional and \$8,076.00 maximum
Final Planned Development <sup>3</sup>	\$3,091.00 for initial deposit
Final Subdivision Application <sup>1</sup>	\$2,244.00 for 1 to 3 Lots - initial deposit \$6,685.00 for 4 or more lots - initial deposit
Comprehensive Plan Amendment <sup>3</sup>	\$1,254.00
Conditional Use Permit <sup>3</sup>	\$1,254.00
Rezoning (when site plan is involved) <sup>3</sup>	\$1,254.00
Impervious Surface Area (up to 5% increase)	\$560.00
Interim Use Permit (when site plan is involved) <sup>3</sup>	\$871.00
Final Plat	\$837.00
Minor/Corrective Subdivision	\$837.00
Site Plan Review/Building Permit Authorization	\$1,254.00
Variance	\$837.00
Sketch Plan	\$837.00

<sup>1</sup> These are escrow deposits with minimums/maximums; they are not intended to be actual charges.

<sup>2</sup> This planned development escrow is not required if it is processed as part of a subdivision application for which an escrow is being collected.

<sup>3</sup> These escrows are not required if a subdivision escrow has been collected as part of the same application.

<b>For Office Use Only</b>	
_____	_____
Receipt Date	Receipt Number
_____	_____
Amount	Code