



Borough of Berlin Escrow Agreement

THIS AGREEMENT made this _____ day of Two Thousand and _____ between _____, hereinafter referred to as "Applicant", the **PLANNING BOARD FOR THE BOROUGH OF BERLIN** hereinafter referred to as "Board", and the Borough of Berlin, in the County of Camden, hereinafter referred to as "Borough" **WHEREAS**, Applicant is proceeding under Ordinance No. 335-13 (hereinafter "Ordinance"), for approval of all applicable items listed below:

- Major Subdivision-Preliminary Plat Bulk Variance (C)
- Major Subdivision-Final Plat Use Variance (D)
- Minor Subdivision Conditional Use
- Major Site Plan-Preliminary Informal Review
- Major Site Plan-Final Appeal Decision of Administrative Officer
- Minor Site Plan Inspection Escrow Money; and

WHEREAS, the Ordinance requires the Applicant to establish an escrow whereby work required to be performed by professionals employed by the Board will be paid for the Applicant as required under the provisions of the Ordinance as cited above.

NOW, THEREFORE, the parties agree as follows:

Section 1. PURPOSES.

The applicant agrees to pay all reasonable professional fees incurred by the Board for the performance of duties.

Section 2. ESCROW ESTABLISHED.

The applicant hereby creates an escrow to be established within the *Department of Planning* for the Borough.

Section 3. ESCROW FUNDED.

The applicant, upon execution of this Agreement, shall pay to the Borough, to be deposited in the repository referred to in Section 2, such sums as required by Ordinance.

Section 4. INCREASE IN ESCROW FUNDS.

If, during the existence of this Escrow Agreement, the funds held by the escrow holder shall be insufficient to cover any voucher or bill submitted by the

professional staff and reviewed and approved by the Planning Board Secretary, the Applicant shall, within fourteen (14) days from the date of receipt of written notice, deposit additional sums with the escrow holder to cover the amount of the deficit referred to above and such additional amounts reasonably anticipated by the Planning Board Secretary to be needed to complete the application process. The written notice referred to in this paragraph shall be sent to the following agent or representative:

MUST BE SIGNED BY APPLICANT

Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____

Said notice shall be in the form attached to this Agreement. Unless otherwise shown, receipt shall be presumed to have occurred three (3) days after mailing. The notice required under this paragraph shall be given by the Director or his designee.

Section 5. TIME OF PAYMENT.

The professionals referred to in this Agreement, upon the conclusion of their services or periodically during the performance of their services, shall submit vouchers conforming to the requirements established by the Borough for vouchers of the type and kind referred to under this paragraph. Said voucher shall include the amount of all fees and costs incurred as a result of the service set forth under Section I of this Agreement.

Section 6. PAYMENT FROM ESCROW FUNDS.

The Planning Board Secretary or his designee shall review the vouchers submitted by the professionals to determine whether the services have been performed in the manner and to the degree required by this Agreement. Upon making a determination that said services have been performed properly, the Planning Board Secretary or his designee shall process said vouchers in the same manner and under the same terms as are normally employed for vouchers submitted for work performed on behalf of the Borough. At the conclusion of this processing, the amounts specified in said vouchers shall be paid by the escrow holder from the escrow established pursuant to this Agreement.

Section 7. RETURN OF UNUSED ESCROW FUNDS.

In order to receive any unused escrow funds, the following procedures will be followed:

A The applicant must send a written request to the Planning Board Secretary after plot plans have been signed by the appropriate Borough Officials.

B. The Planning Board Secretary or his/her designee will request the professionals to prepare a final bill for services within 30 days.

C. The Planning Board Secretary shall issue a final accounting of escrow funds 45 days after the final statements are received from the Professionals.

D. Any balances due the developer will be processed with the final statement.
IN WITNESS WHEREOF, the parties hereto have set their hands and seals the date first written above.

Applicant (signature)

Applicant (print name)

ATTEST: _____
(signature)

(print name)