

**BEFORE THE CITY COUNCIL OF THE CITY OF INDEPENDENCE
FOR THE COUNTY OF POLK, STATE OF OREGON**

A Resolution Amending City Fee]
Schedule for City Services]

RESOLUTION NO. 23-1590

WHEREAS, the Independence City Council has in the past approved charges for city services; **AND**

WHEREAS, the City Manager shall periodically cause a review of City fees and charges to ensure recovery of City costs incurred when providing City services, products and approval procedures and recommend adjustments to the City Council, as needed; **AND**

WHEREAS, the City Manager has received guidance from Public Works staff regarding whether the current fee schedule adequately covers incurred costs and capital improvement of the utilities; **AND**

WHEREAS, the City provided an opportunity for interested persons to comment on the enactment of this Resolution and the proposed fees and fee increases, pursuant to ORS 294.160.

THE CITY COUNCIL OF THE CITY OF INDEPENDENCE HEREBY RESOLVES AS FOLLOWS:

Section 1. Findings. The above recitals are hereby adopted as findings of fact supporting the adoption of the Fees set forth in Exhibit A to this Resolution.

Section 2. Repeal and Replacement. Resolution #20-1539 Amending City Fee Schedule for City Services and Resolution 20-1543 Amending City Fee Schedule are hereby repealed in their entirety. The fee schedule set forth in Exhibit A, incorporated by reference herein, is hereby adopted.

Section 4. Measure 5 Limits. The fees adopted herein are not subject to the limitations of Measure 5.

Section 5. This resolution shall become effective immediately upon adoption by the City Council.

PASSED by the City Council: 10/10/2023
SIGNED by the Mayor: 10/10/2023



JOHN McARDLE, MAYOR

ATTEST:



Karin Johnson, MMC
City Recorder

CITY OF INDEPENDENCE
SCHEDULE OF FEES FOR CITY SERVICES and CITY UTILITIES
Effective: 10/10/2023 (except where updates are noted)

DEPARTMENT	CHARGE/FEE
ADMINISTRATION	
A) Copies of Public Records:	
1. Research Fee: 10-30 minutes staff time	\$ 25.00
2. Research Fee: in excess of 30 minutes	Employee personnel costs
3. Redaction Fee	Employee personnel costs and/or legal review costs
4. Hard copies:	
Standard documents, up to 11"x17", b&w/color	\$ 0.25 per page
Nonstandard documents	Actual cost to reproduce
5. Digital copies	\$ 0.25 per page
6. CD/DVD/Flash Drive (1 GB) (media only)	\$ 5.00 CD/DVD/Flash Drive (1 GB)
7. Electronic search of city server	Actual costs (employee personnel costs or consultant fees)
B) Facsimile	
1. send	\$ 2.00 per page
2. receive	\$ 1.50 per page
C) Courtesy photocopies of non-city documents:	
8.5 X 11, B&W	\$ 0.25 per page
8.5 X 11, Color	\$ 0.50 per page
11 X 17, B&W	\$ 0.50 per page
11 X 17, Color	\$ 1.00 per page
D) Copy of Municipal Code	\$ 75.00
E) Appeal Fee	\$ 200.00 fee; refunded if appeal upheld
F) Lien Search Fee	\$ 25.00 per search
G) Dog Hobby Kennel Application	
-Commercial	\$ 125.00
-Private Hobby	\$ 30.00
H) Backyard Chicken Permit	
-Application fee	\$ 40.00 application + 3-year permit
-Renewal fee	\$ 15.00 3-year renewal
I) Temporary RV Parking Permit	\$ 25.00 per application
J) Business Licenses:	
Taxicab Businesses	
1. Application Fee: New Business	\$ 100.00
Renewal	\$ 35.00
2. Transport Rates:	
a. Minimum charge (meter drop)	\$ 2.50
b. Base Mileage Rate	\$ 2.50 per mile
c. Increments	\$ 0.25 per 1/10
d. Wait time	\$ 30.00 per hour
e. Fuel Surcharge*	\$ 2.00

*If the average gasoline pump price rises above \$2.50 per gallon in Oregon, the City Manager may authorize the fuel surcharge to be added to the base rate.

ADMINISTRATION (cont.)	
<u>Business Licenses (cont.):</u>	
<u>Entertainment Business License Fees</u>	
1. Amusement Device: 1- 4 devices	\$ 50.00 per fiscal year per device
5-15 devices	\$ 250.00 per fiscal year
16+ devices	\$ 250.00 + \$25.00 per ea add'l device over 15
2. Dance Floor	
Closing Time at or before 1:00 a.m.	\$ 150.00 per fiscal year
Closing Time after 1:00 a.m.	\$ 200.00 per fiscal year
3. Cigarette Vending Machine	\$ 30.00 per fiscal year per machine
<u>Auction/Auctioneers</u>	
1. Class 1, Regular Auction	\$ 200.00 Annually
2. Class 2, Temporary Auction	\$ 25.00 per day
3. Class 3, Closing Out Auction	\$ 25.00 per day
4. Class 4, Storage or temporary auction	\$ 200.00 Annually
5. Class 5, Temporary benefit auctions	\$ 5.00 per day
<u>Peddler/Solicitor</u>	
1. Individual	\$ 25.00 Annually
2. Crew license	\$ 50.00 plus \$5.00 each solicitor/peddler
<u>Secondhand/Junk Dealer</u>	\$ 25.00 Annually
<u>Mobile Vending</u>	
1. Base Fee	\$ 35.00 Annually
2. With Site Plan	\$ 75.00 Annually
<u>Social Games</u>	\$ 50.00 Annually
<u>Public Dances</u>	\$ 50.00 Ten Dances; \$5 ea additional dance
<u>Marijuana Businesses</u>	
1. Retailers	\$500.00 Application Fee \$300.00 Annual Renewal
2. Wholesalers/Manufacturers/Processors	Application Fee: Actual Costs, with \$1,000 Deposit \$1,000.00 Annual Renewal
<u>E-Scooter Businesses:</u>	
1. Initial License	\$500.00
2. Renewals	\$200.00
3. Per-ride fee	\$0.05 per ride
L) Business Registration	
1. Application Fee	\$25.00
2. Annual Renewal	\$15.00
M) NSF Fees	\$ 35.00 per check or ACH returned for non-sufficient funds

DEPARTMENT	CHARGE/FEE
LIBRARY	
A) Overdue charges per hour - Laptop checkout	\$ 5.00 per hour, or fraction thereof
B) Printouts	\$ 0.10 per page
C) Copies:B&W	\$ 0.10 per page
Copies: Color	\$ 1.00 per page
D) Lost items	\$ 5.00 + Purchase Price
E) Processing Fee/Item	\$ 5.00
F) Non-Resident Card:	
1. Within CCRLS region	\$ 60.00 per family/year
2. Outside CCRLS region	\$ 75.00 per family/year
3. Local Option Card	\$ 35.00 per family/year
G) Replacement Library Card	\$ 1.00
H) Key Chain Library Card	\$ 1.00
I) Facility Fees	
1. Conference room, in excess of 4 hours	\$ 50.00
2. Conference room, off-hours fee	\$ 25.00
3. Coffee	\$ 3.00 per small airpot

DEPARTMENT	CHARGE/FEE
MUNICIPAL COURT	
A) DMV Search	\$ 5.00 (required for parking tickets)
B) Handling	20% of outstanding balance (one-time fee)
C) Collections	25% of outstanding balance, maximum \$250 (one-time fee)
D) Suspension Package	\$ 11.50 (required for Driving While Suspended charges)
E) Judge's Letters (Fail to Appear, Fail to Comply, Final Action Notice, Suspension)	\$ 25.00 each

DEPARTMENT	CHARGE/FEE
MUSEUM	
A) Copy Fees:	
1. Photocopies	\$ 0.25 per page
B) Research Fees:	
1. 10-30 Minutes Staff Time	\$ 25.00
2. Each additional 30 minutes	\$ 25.00
C) Shipping/Handling	postage cost, plus \$3.95 handling
D) Data/Media on CD/DVD/Flash Drive (1GB)	\$ 5.00
E) Facility Fees:	
1. Conference room rental up to 4 hours	
a. Civic/Not for Profit	\$ 20.00 non-refundable fee, +\$30 refundable cleaning deposit
b. Private	\$ 30.00 non-refundable fee, +\$30 refundable cleaning deposit
2. Conference room, in excess of 4 hours	\$ 50.00
3. Conference room, late meetings	\$ 25.00
4. Conference room, cleaning deposit	\$ 30.00
5. Coffee	
a. 1-8 servings	\$ 10.00
b. 9+ servings	\$ 25.00

POLICE DEPARTMENT	
A) Copy Fees	
1. Photocopies:	\$ 1.00 per page
2. Audio/Video/CD/DVD	\$ 20.00 per tape/CD/DVD
3. Electronic Search of City Server	\$ 20.00 per CD/DVD + \$100/hour (1 hr. minimum)
4. Test Score Transfer	\$ 12.00 per test score result, per applicant, per request
5. Non Standard Documents	All costs associated with reproduction
6. Police Video/Blurring/Electronic Redaction	\$ 20.00 per CD/DVD or digital media + \$100/hr (1/2 hr minimum)
B) Facsimile - send	\$ 2.00 per page
C) Facsimile - receive	\$ 1.50 per page
D) Fingerprinting	\$ 20.00 first card \$ 10.00 each additional card
E) Liquor License Applications	
1. New	\$ 100.00
2. Renewal	\$ 35.00
3. Change (ownership, location, privilege)	\$ 75.00
4. Compliance Plan	\$ 250.00
5. Temporary Permit	\$ 35.00
F) Photos	\$ 8.00
G) False Alarms	
1. Business and Residential (per calendar year)	No charge 1st two false alarms \$ 25.00 3rd alarm \$ 50.00 4th alarm \$ 100.00 5th alarm and greater
2. Other (car alarms, etc.)	\$ 25.00 per alarm, after 4th false alarm in calendar year
H) Vehicle Tows - Administrative Fee	\$ 75.00
I) Vehicle Impound (Daily Rate)	\$ 35.00 per day
J) Dog Licenses:	
1. Spayed or Neutered	One Year: \$ 10.00 13-36 months: \$ 1.00 per month, \$26.00 maximum Three Years: \$ 26.00
2. Non-Spayed or Non-Neutered	One Year: \$ 25.00 13-36 months: \$ 2.00 per month, \$75.00 maximum Three Years: \$ 75.00
3. Late Fee	\$ 15.00 if not renewed within 60 days from expiration
K) Dog Impound Fees: (per calendar year)	
1. Impound Fees	\$ 35.00 first impound \$ 55.00 second impound \$ 100.00 each subsequent impound
2. Daily Boarding Fee	\$ 20.00 day
L) Records Research	
1. Up to 10 minutes	\$ 5.00 fee, plus \$5.00/first 5 pages
2. 10 min - 2 hours	\$ 25.00 per hour + related fees (per page, CD/DVD)
3. Over 2 hours	Employee personnel service cost + related fees
M) Personnel Costs:	
1. Court issued subpoena for Defense	\$ 35.00 per subpoena
2. Private police service contracting	\$ 65.00 per hour, regular officers + deposit \$ 35.00 per hour, reserve/cadet officers + deposit (deposit = 1/2 estimated cost)
N) Parking Violations	
1. All violations of IMC 32-151 through -166	\$ 20.00
2. Late Payment Fee	
a. After 30 days from issuance	\$ 30.00

DEPARTMENT	CHARGE/FEE
COMMUNITY DEVELOPMENT	
Planning	Base Fee
LAND USE APPLICATION FEES*:	
A) Annexation Petition (Type III)	\$ 2,000.00
B) Comprehensive Plan Change Request (Type IV)	\$ 2,500.00
C) Conditional Use (Type II)	\$ 2,000.00
D) Manufactured Home Dwelling Park (Type II)	\$1,500.00 fee, plus \$150.00/dwelling unit
E) Partitions:	
-Major (project includes creation of street) (Type II)	\$1,500.00 fee, plus \$150.00 / lot
-Minor (project does NOT include creation of street) (Type I)	\$250.00 per lot, plus notice fee
F) Lot Line Adjustment (Type I)	\$400.00 fee, plus notice fee
G) Planned Unit Development (Type II)	\$1,500.00 fee, plus \$150.00 / dwelling unit
H) Site Design Review	
Type I	\$2,000.00
Type II	\$2,500.00
I) Subdivisions: (Type II)	
Tentative subdivision application filing fee	\$2,500.00 fee, plus \$150.00 / lot
Inspection Fee, per 90.60.075 (L)(1)	4% of an approved, stamped engineer's cost estimate
J) Urban Growth Boundary Change Request	\$ 5,000.00
K) Variance (Admin: Type I / Other: Type II)	\$ 1,000.00
L) Zone Change (Type III)	\$ 2,500.00
M) Land Use Pre-Application Fee	\$300.00 Where required
OTHER PLANNING FEES:	
N) Appeal	Decision without public hearing: \$250 Decision with public hearing: Actual Costs, with \$500 deposit
O) Certified Abutters List + 2 Address Labels Sets	\$ 25.00
P) Copies:	
Comprehensive Plan	\$ 75.00
Development Code	\$ 35.00
Subdivision Ordinance	\$ 15.00
Master Plans	\$ 75.00 per plan document
Q) Floodplain Development Permit	\$ 200.00
R) Administrative Fee	10% of all billable charges
S) Notice Fee	\$ 60.00
T) Right-of-Way Utility Construction Permit	
-Major (Project costs greater than \$15,000)	\$ 200.00
-Minor (Project costs under \$15,000)	\$ 50.00
U) Vacation of Property	\$ 500.00
V) Code Interpretation	\$ 500.00
W) Code Text Amendment	\$ 2,500.00
X) Legal Lot Determination	\$ 400.00
Y) Final Plat Review	\$ 200.00
Z) Non-conforming Use/Zoning Confirmation	\$ 250.00
AA) Historic Review	\$ 150.00
BB) Willamette Greenway	\$ 200.00
<p>*All land use application fees are a base fee amount to be paid to the City. An Agreement for Payment of Land Use Application Fees in the form attached hereto, must be executed by the property owner and submitted to the City with the application Base Fee, as a component of the City's required application fees. The Agreement shall be recorded against the subject property and run with the land. If the City's costs for processing an application exceed the Base Fee, the full cost due and payable will be the City's actual cost, including but not limited to hourly rates for planning, public works, engineering, City administration, legal, wetland and other consultants. For information on the various types of land use actions (Type I / II / III / IV), please refer to the Independence Development Code, Subchapter 11 - Administrative Provisions.</p>	
NOTE: ALL FEES ARE NON-REFUNDABLE	

DEPARTMENT	CHARGE/FEE
COMMUNITY DEVELOPMENT (continued)	
Building	
A) Sign Permits	
1) 0 - 35 SF	\$ 60.00 + building permit fee
2) 36 - 60 SF	\$ 90.00 + building permit fee
3) 61 - 100 SF	\$ 160.00 + building permit fee
4) 101 - 150 SF	\$ 200.00 + building permit fee
B) Fence Permit	\$ 35.00
C) Mobile Home Placement	\$ 297.00
D) Building Moving Permit	\$ 100.00 + building permit fee, if necessary
E) Business Occupancy Certification	\$ 75.00
Park Use	
A) Neighborhood parks, Riverview Park picnic areas:	
1. Civic/Not for Profit	\$ 20.00 non-refundable fee, + \$50.00 refundable deposit
2. Private	\$ 35.00 non-refundable fee, + \$50.00 refundable deposit
3. Commercial	\$ 60.00 non-refundable fee, + \$500.00 refundable deposit
4. Additional weekends reserved	\$ 50.00 per day
B) Riverview Park amphitheater (based on attendance):	
1. 0 - 74	\$ 100.00 non-refundable fee, + \$50.00 refundable deposit
2. 75 - 299	\$ 150.00 non-refundable fee + \$500.00 refundable deposit
3. 300 - 599	\$ 300.00 non-refundable fee + \$500.00 refundable deposit
4. 600 - 999	\$ 450.00 non-refundable fee + \$750.00 refundable deposit
5. 1,000 +	\$ 600.00 non-refundable fee + \$750.00 refundable deposit
Additional fee, if entry fee charged by organizer:	\$ 1.00 per ticket sold or provided
C) Stage Rental:	
1. Basic Stage - Commercial or For-Profit	\$ 400.00 per day; \$200.00 deposit at time of reservation
2. Extended Stage - Commercial or For-Profit	\$ 500.00 per day; \$200.00 deposit at time of reservation
3. Basic Stage - Non-Profit or Civic	\$ 250.00 per day; \$100.00 deposit at time of reservation
4. Extended Stage - Non-Profit or Civic	\$ 350.00 per day; \$100.00 deposit at time of reservation
5. Transport	FEMA Schedule of Equipment, hourly rate + current Federal mileage rate
6. Stage Deployment Technician/On-Site Technician	\$ 50.00 per hour
7. Sound Technicians (2 min.) & Equipment	\$ 50.00 per hour, per technician
8. Removal/Storage/Return of Stage Equipment	\$ 150.00
9. Spider Box for Stage use & when transported	\$ 500.00 Refundable deposit; to be paid 7 days prior to event

DEPARTMENT	CHARGE/FEE
PUBLIC WORKS	
A) Fire Hydrant Flow Meter Rental	\$ 100.00 per month, plus current water unit rate per unit used \$ 100.00 deposit
B) Construction Base Water Rate	Current base and usage rates (see page 9)
C) Driveway Curb Cut	\$ 30.00
D) Miscellaneous Equipment	Hourly Rate per Federal Public Works rate
E) Equipment Operator	Hourly Rate per Federal Public Works rate
F) Development Review and Inspections:	
Plan Review	1% of an approved public improvement cost estimate
Construction Inspection	4% of an approved public improvement cost estimate
Notes: - Non-refundable fee of \$1,000 due at time of required pre-design meeting; - Plan review fee deposit, less the \$1,000 pre-design fee, due at submission of engineered plans for review; - Monthly billing of any fees exceeding the plan review fee deposit, payable within 30 days; - Final reconciliation of project review costs, including city engineer fees and public works staff expenses, to be completed at project completion, with any final balance due to be paid before City acceptance of project. If a refund is due, the City shall issue refund within 30 days of city acceptance.	
G) Zone of Benefit (public improvements):	
Deposit	\$ 500.00
Base Fee	\$ 1,500.00
Notes: (per Res. #14-1392) (a) An Agreement for Payment of Zone of Benefit Application Fees in the form attached to Res. #14-1392 must be executed by the property owner and submitted to the City with the application base fee as a component of the City's required application fees. The Agreement shall be recorded against the subject property and run with the land. If the City's costs for processing an application exceed the base fee and deposit, the full cost due and payable will be the City's actual cost, including, but not limited to hourly rates for public works, engineering, City administration, legal and other consultants. (b) A deposit of up to \$500.00, to be paid within five (5) days after staff reviews and evaluates the submitted application. The City will refund any unused portions of deposit to Applicant once application processing is complete.	

DEPARTMENT	CHARGE/FEE	
ENTERPRISE OPERATIONS		
Utility Billing and Collection		
<i>Deposits:</i>	\$ 150.00	Due at time of application
<i>Miscellaneous:</i>		
Posting fee	\$ 15.00	
Late Charge	10% (\$10 minimum)	
Reinstatement Fee	\$ 50.00	
Tampering Fee	\$ 50.00	plus damage costs, if any

Water Utility		
<i>Rates - Residential, Commercial, Industrial:</i>		
Meter Size	Monthly Minimum:	
5/8" - 3/4"	\$	34.79
1"	\$	73.06
1-1/4"	\$	107.89
1-1/2"	\$	153.12
2"	\$	264.47
3"	\$	584.62
4"	\$	1,026.55
6"	\$	2,300.16
Usage Rate, \$ per 100 cubic feet of water	\$	3.33
<i>Private fire protection: hydrants/sprinklers</i>		
Connection Size	Monthly Rate:	
2"	\$	7.83
4"	\$	10.43
6"	\$	18.26
<i>Public Fire Protection</i>		
Annual Fee	\$	1,605.65
<i>Service Connection Fees & Meter:</i>		
Service Size	Connection Fee:	Meter:
3/4"	\$ 250.00	\$ 320.00
1"	\$ 282.00	\$ 445.00
1-1/2"	\$ 970.00	\$ 1,000.00
2"	\$ 1,100.00	\$ 2,130.00
3"	\$ 1,850.00	\$ 2,120.00
4"	\$ 1,900.00	\$ 2,820.00
6"	\$ 2,700.00	\$ 4,460.00

Wastewater (Sanitary Sewer) Utility User Rates and Fees were removed from fee schedule and adopted separately by Resolution #23-1577, 02/28/2023

Stormwater Utility User Rates and Fees were removed from fee schedule and adopted separately by Resolution #23-1578, 02/28/2023

***SYSTEM DEVELOPMENT CHARGES - Calendar Year 2023**

Water (Feb 2023)	
Residential:	
Single Family Unit	\$ 2,786.00
Multi-Family Unit	\$ 2,226.00
Commercial Bldg:	
(3/4" meter)	\$ 2,226.00
(1" meter)	\$ 3,961.00
(1 1/2" meter)	\$ 8,906.00
(2" meter)	\$ 15,833.00
(3" meter)	\$ 39,667.00
(4" meter)	\$ 63,501.00

Stormwater	
Single Family Unit	\$ 937.00
Multi-Family Unit	\$ 590.00
Commercial Bldg	\$ 472.00 per 1,000 sq ft impervious area

Parks	
Single Family Unit	\$ 4,372.00
Multi-Family Unit	\$ 4,076.00

***NOTE: SDC subject to change by resolution and annually modified by inflation. Check the Public Works website for current rates.**

Wastewater SDCs were removed from the general fee schedule and adopted separately by Resolution #22-1572, 11/08/2023

Transportation SDCs were removed from the general fee schedule and adopted separately by Resolution #22-1572, 11/08/2023

After Recording Return To:
City of Independence
P.O. Box 7
Independence, OR 97351

Send Tax Statement To:

**AGREEMENT
FOR
PAYMENT OF LAND USE APPLICATION FEES**

CITY OF INDEPENDENCE

(“City”)

(“Developer”)

RECITALS

1. Developer has submitted a Land Use Application for _____, (“Application”) pertaining to real property located at _____, within the City of Independence, Polk County, Oregon, and as more particularly described in the legal description attached as Exhibit A (Property).
2. The parties acknowledge that Developer has paid the base fee and costs as established in Resolution No. _____ as part of Developer’s Application.
3. Developer acknowledges that payment of the base fee may not cover the City’s costs associated with processing the Application.
4. Developer also acknowledges that City will not deem the Application complete without Developer executing and filing this Agreement with City.

AGREEMENT

Based upon the above recitals, the parties agree as follows:

- Section 1. Payment. In consideration of the City requiring only a minimum base fee in order to begin processing Developer's application, Developer agrees to pay all City costs associated with processing Application, including technical and legal review and public notice costs, over the base fee amount, on a monthly basis. Said costs shall include but are not limited to City's planning, public works, engineering, administration, legal, wetland specialists, geologists, biologists, arborist, and any other services provided in processing Application, at the rate(s) charged to the City.
- Section 2. Recordation. The covenants and restrictions contained herein touch and concern, and relate to the use of Property, and are intended by the parties to run with the land, until revoked as provided herein. Applicant shall therefore record this document in the Deeds and Records of Polk County, Oregon, to serve as notice to any future owners or occupants of Property of the terms and conditions of this Agreement.
- Section 3. Binding Effect. The terms of this Agreement shall extend to and be binding upon the heirs, administrators, executors, personal representatives, successors and assigns of the parties hereto.
- Section 4. Remedies. Failure to pay City costs over the base fee amounts, as charged monthly by the City, shall result in City pursuing any and all legal remedies available, including but not limited to liening Property in the amounts owed; prosecution for violation of Resolution No. 10-1292, City Zoning Code, and Subdivision Regulations; issuance of a stop work order, and/or non-issuance of building permits for Property; and turning amounts owed over to a collection agency.
- Section 5. Arbitration. If any disputes, disagreements, or controversies arise between the parties pertaining to the interpretation, validity, or enforcement of this Agreement, the parties shall, upon the request of either party, submit such dispute to binding arbitration. Except as otherwise provided in this Agreement, arbitration shall be requested by delivering to the other party a written request for arbitration. Within five (5) days of receipt of such request, the parties shall select a mutually agreeable arbitrator and designate mutually agreeable rules of arbitration. If the parties cannot agree upon an arbitrator within five (5) days, an arbitrator may be appointed by the Polk County Circuit Court, upon the request of either party submitted in accordance with ORS 36.310. If the parties have not designated mutually agreeable rules of arbitration at such time as the arbitrator is appointed, the arbitrator shall adopt rules for the arbitration. The arbitrator's decision shall be binding upon the parties.

Section 6. Attorney Fees and Costs. If suit, action or arbitration is brought either directly or indirectly to enforce the terms of this Agreement, the prevailing party shall recover and the losing party hereby agrees to pay reasonable attorney fees incurred in such proceeding, in both the trial and appellate courts, as well as the prevailing party's costs and disbursements. Further, if it becomes necessary for the City to contract for the services of an attorney to enforce any provision of this Agreement without initiating litigation, the Developer agrees to pay City's attorney fees so incurred.

CITY OF INDEPENDENCE:

DEVELOPER:

By: _____
Date: _____

By: _____
Date: _____

STATE OF OREGON)
) ss.
County of Polk)

This instrument was acknowledged before me on this _____ day of _____, 201__, by _____, an authorized representative for CITY OF INDEPENDENCE.

Notary Public for Oregon

STATE OF OREGON)
) ss.
County of Polk)

This instrument was acknowledged before me on this _____ day of _____, 201__, by _____.

Notary Public for Oregon