

Case No. \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

# City of Indio

Development Services Department  
100 Civic Center Mall  
Indio, California 92201  
(760) 391-4120  
(760) 391-4027 Fax  
www.indio.org

## PLANNING APPLICATION

Filed in conjunction with Environmental Application  
(For Staff) HTE File Number \_\_\_\_\_

Date Submitted: \_\_\_\_\_

Applicant (who is financially responsible): \_\_\_\_\_

Project Name: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Address, Telephone, & Fax, E-mail address, website: \_\_\_\_\_

\_\_\_\_\_

Project Location: \_\_\_\_\_

\_\_\_\_\_

Assessor's Parcel Numbers: \_\_\_\_\_

Street Address, general street location: \_\_\_\_\_

\_\_\_\_\_

Brief Project Description, including acreage, existing proposed number of parcels, planned land uses and concepts (Attach additional sheets as necessary). An example is shown below:

*Example: "to subdivide a 50-acre area into 100 residential lots in a private gated residential community. Located on the north side of Ave. 42, east of Monroe St. APN 616-280-006 and 616-280-007"*

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# FEES

If an application is filed with more than one entitlement for a single project, the Department will receive the largest amount of the first application entitlement fee, and one half the amount of the remaining entitlement fees.

<b>PLANNING APPLICATION</b>	<b>AMOUNT REQ.</b>
_____ Change of Zone	\$5,000
_____ Conditional Use Permit – Administrative	\$2,500
_____ Conditional Use Permit – Planning Commission	\$4,500
_____ Conditional Use Permit – Wireless/Antenna	\$3,500
_____ Major Variance	\$5,000
_____ Minor Variance	\$2,500
_____ Zoning Text Amendment	\$5,500
_____ Zoning Letter	\$250
_____ Design Review – Administrative	\$2,500
_____ Design Review – Planning Commission	\$4,000
_____ General Plan Map Amendment	\$7,500
_____ Development Agreement	\$10,000
_____ Development Agreement Extension	\$5,000
_____ Development Review Committee Meetings	\$1,100
_____ Conceptual/Specific Pan	\$10,000
_____ Specific Plan Amendment	\$10,000
_____ Project Master Plan	\$10,000
<b>Subdivision:</b>	
_____ Tentative Tract Map (> 5 lots)	\$8,000
_____ Tentative Parcel Map (< 5 lots)	\$4,000
_____ Modification of Tentative Map	\$3,000
_____ Map Extension	\$ 1,500
_____ Reversion to Acreage	\$3,000
_____ Lot Line Adjustment	\$1,100
_____ Certificate of Compliance	\$600
<b>Environmental:</b>	
_____ Statutory/Categorical Exemption	\$550
_____ Initial Study	\$2,500
_____ Negative Declaration (Deposit)	\$2,500
_____ EIR (Deposit)	\$10,000

**CONTACTS:**

Developer Name, Address, Telephone, FAX, E-mail address & website:

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Architect / Land Planner Name, Address, Telephone, FAX, E-mail address & website:

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Engineer / Surveyor Name, Address, Telephone, FAX, E-mail address & website:

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Builder / Contractor Name, Address, Telephone, FAX, E-mail address & website:

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Other interested parties Name, Address, Telephone & FAX, E-mail address & website:

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***Application Requirements***

All applications must include the items listed below. Incomplete applications will not be accepted. Applications should be checked in by a City Planner. Please call (760) 391-4120 to set up an appointment.

<b>MISSING</b>	<b>PROVIDED</b>	<b>APPLICATION REQUIREMENTS</b>
_____	_____	Completed Planning Application forms
_____	_____	Signatures of all owners of record or letter(s) from all owners
_____	_____	Signed City of Indio Indemnification Agreement (see attached)
_____	_____	Signed Petition including Consent and Waiver for Community Facilities District, if residential project (Residential only- see attached)
_____	_____	Preliminary Title Report prepared within the past 30 days
_____	_____	Adequate Project Description
_____	_____	Adequate Property Location
_____	_____	Street Address
_____	_____	Assessor's Parcel Numbers & Maps
_____	_____	Legal Description: (Record Map, Sectional Breakdown, Metes & Bounds)
_____	_____	Completed Environmental Application Form
_____	_____	Water Quality Management Plan (3 copies & CD)
_____	_____	Special Studies (1 copy & CD)

MISSING	PROVIDED	MAILING LABELS
_____	_____	Surrounding property owners list
_____	_____	Surrounding property owner's maps
_____	_____	Certification by Title Company
_____	_____	3 sets of gummed mailing labels for surrounding property owners
_____	_____	300' radius OR 1,200' radius if CE zone
_____	_____	3 sets of gummed mailing labels for applicants
_____	_____	3 sets of gummed mailing labels for project property owners
_____	_____	3 sets of gummed mailing labels for representatives

The surrounding property owners' list must be certified as to accuracy by a title company or the County of Riverside Assessor's office. These items are required to fulfill the requirements set forth in California Government Code for public notice. The Code requires that notice be given by mail to all persons, including businesses, corporations or other public or private entities shown on the last equalized assessment role as owning real property within 300 feet of the property for which the subject applications are submitted. For projects in a Country Estate zoning or general plan designation, the labels must be provided for a 1,200-foot radius per City policy.

**FOR DESIGN REVIEW, CONDITIONAL USE PERMIT AND/OR VARIANCE APPLICATIONS, THE FOLLOWING ITEMS ARE ALSO REQUIRED:**

**15 LARGE PLAN PACKETS:** The packets should be blueprint sized, stapled or bound and shall include all exhibits (site plan, elevations plan, and landscape plan). Applicants are encouraged to submit conceptual artwork which needs not be blueprint sized but should be stapled or bound to the Large Plan Packet. Large Blueprint size packets folded to 8 ½ x 11 or smaller the following exhibits for Large Plan Packets are mandatory:

1. **SITE PLANS:** The site plan should be to scale, include a north arrow and vicinity map, project identification, and should show driveways on adjacent properties and any intersecting or relevant streets.
2. **"PRELIMINARY" WATER QUALITY MANAGEMENT PLAN (WQMP) SITE PLANS:** The plan should show building pads, paved area, landscaped area, water retention areas, pad elevations and direction of water flow in addition to Source Control, Site Design, and Treatment Control Best Management Practices. The applicant shall submit \$1,500.00 fee to City's Engineering Services Department for review of the WQMP. (Refer to Template for WQMP at [www.indio.org](http://www.indio.org))
3. **BUILDING ELEVATIONS:** The building elevations should be fully dimensioned to include all sides of each and every building. It should include at least the following information- height, exterior colors, textures, materials and mechanical equipment. Show all main and accessory structures including signs, carports, fences, trash enclosures, patio covers, guard houses, etc.
4. **FLOOR PLANS:** The building floor plans should be fully dimensioned and be drawn to scale.
5. **LANDSCAPE PLANS:** Landscape Plans must be prepared in conformance with the Landscape Development Guidelines and Specifications of the City of Indio and the Indio Water Authority.
6. **SIGN PROGRAMS (for multi-tenant buildings):** Sign Programs shall include standards to maintain consistency between tenants. Sign programs should include permitted signs, prohibited signs, design standards, sign quantities, sign locations standards, and sign maintenance standards. All Sign Program submittals must be in conformance with any and all City of Indio sign code requirements.

**MISSING    PROVIDED    LARGE PLAN PACKETS**

\_\_\_\_\_    \_\_\_\_\_    Fifteen (15) large Blueprint size packets folded to 8 ½ x 11 or smaller  
\_\_\_\_\_    \_\_\_\_\_    (large packets shall include: site plan, elevations, and landscape plan)  
\_\_\_\_\_    \_\_\_\_\_    Ten (10) Small color packets size 11 x 17

**MATERIALS BOARD:**

Provide Digital File of Materials Board

**1 SET OF ELECTRONIC FILES:** The electronic files should be JPEG, PDF or of similar file format and should be on CD ROM. All exhibits and “**materials board**” should be in color where applicable. All CD ROM’s *must* include but are not limited to Site plans, Building Elevations, Floor Plans, Landscape Plans, and Sign Programs (for multi-tenant buildings):

**MISSING    PROVIDED    CD ROM**

\_\_\_\_\_    \_\_\_\_\_    One (1 or as needed) CD ROM containing *all* exhibits and studies.

**FOR GENERAL PLAN AMENDMENTS AND CHANGE OF ZONES, THE FOLLOWING ITEMS ARE ALSO REQUIRED:**

**22 EXHIBITS:** Exhibits shall include the following information:

- the entire boundary
- an identified point of beginning & dimensions
- acreage
- diagram showing existing designation of adjacent parcels
- diagram showing existing and proposed designation of project
- Assessor’s Parcel Numbers
- Applicant’s name
- Digital File Exhibits

**“PRELIMINARY” WATER QUALITY MANAGEMENT (WQMP) SITE PLAN:** The plan should show building pads, paved area, landscaped area, water retention areas, pad elevations and direction of water flow in addition to Source Control, Site Design, and Treatment Control Best Management Practices. The applicant shall submit \$1,500.00 fee to City’s Engineering Services Department for review of the WQMP. (Refer to Template for WQMP at [www.indio.org](http://www.indio.org))

**MISSING    PROVIDED**

\_\_\_\_\_    \_\_\_\_\_    Twenty- two (22) General Plan Amendment Exhibits  
\_\_\_\_\_    \_\_\_\_\_    Twenty- two (22) Change of Zone Exhibits

**FOR CONCEPTUAL SPECIFIC PLANS, PROJECT MASTER PLANS AND PLANNED DEVELOPMENT ZONES, THE FOLLOWING ITEMS ARE ALSO REQUIRED:**

**20 EXHIBITS:** Exhibits shall include the following information:

- Land Use Plan
- Conceptual Design
- Master Circulation Concept
- Master Utility Concept
- Master Flood Control Concept
- Recreation & Trails Plan, if any
- Phasing Plan, if any
- Justifications for any and all deviations from standard Indio City Codes and/or standards

**WATER QUALITY MANAGEMENT (WQMP) SITE PLAN:** The plan should show building pads, paved area, landscaped area, water retention areas, pad elevations and direction of water flow in addition to Source Control, Site Design, and Treatment Control Best Management Practices. The applicant shall submit \$1,500.00 fee to City's Engineering Services Department for review of the WQMP. (Refer to Template for WQMP at [www.indio.org](http://www.indio.org))

**MISSING      PROVIDED**

\_\_\_\_\_      \_\_\_\_\_      Twenty- two (22) bound documents with all required items

**FOR TENTATIVE MAP APPLICATIONS, THE FOLLOWING ITEMS ARE ALSO REQUIRED:**

**TENTATIVE PARCEL OR SUBDIVISION MAPS:** Tentative Maps must be prepared by a Registered Civil Engineer or Licensed Surveyor. Please include topography, existing and proposed easements, street right-of-way, proposed dedications, and street cross sections, proposed phasing of lots and improvements and a list of lot sizes.

**MISSING      PROVIDED**

_____	_____	35 Large Maps folded to 8 ½ x 11 or smaller
_____	_____	Electronic file: .jpg format.
_____	_____	Three (3) Large Blueprints - Typical Site Plans folded to 8 ½ x 11
_____	_____	Three (3) Large Blueprints - Site Plan for unusual lots folded to 8 ½ x 11
_____	_____	One (1) Large colored Map for display. OPTIONAL
_____	_____	Preliminary Soils Report
_____	_____	Waiver of time limits, if applicant chooses to submit concurrently
_____	_____	Neighborhood theme, name & street names consistent with policy
_____	_____	Proposed addresses list, map, and digital file.

**WATER QUALITY MANAGEMENT (WQMP) SITE PLAN:** The plan should show building pads, paved area, landscaped area, water retention areas, pad elevations and direction of water flow in addition to Source Control, Site Design, and Treatment Control Best Management Practices. The applicant shall submit \$1,500.00 fee to City's Engineering Services Department for review of the WQMP. (Refer to Template for WQMP at [www.indio.org](http://www.indio.org))

**REQUIRED DATA ON MAPS: Tentative Map shall have a scale of not less than one (1) inch equals one hundred (100) feet (1"=100') and shall include the following information**

- Layout, width, proposed names and approximate grades of existing & proposed streets
- Names, location and width of existing & proposed adjacent streets, alleys, and driveways
- Street cross-sections for all existing & proposed streets
- Location and width of alleys and easements
- Dimensions and numbers of each lot and list of lot sizes
- Topography including approx. contours at two (2) foot intervals
- Approximate location of existing structures
- Approximate radii of curves
- Location of trees and facilities within proposed right-of-way
- Approximate location and width of watercourses or areas subject to inundation from floods
- Location of structures, irrigation lines and other physical features
- Approximate location of all existing facilities
- Analysis of lot size averages in each phase
- Preliminary Water and Sewer Improvements
- Preliminary Grading
- Proposed pad elevations on site and adjacent properties
- Electronic file of each in each: .jpg format and PDF format

**OTHER DATA:**

- Legal Description of property comprising the subdivision
- Existing Assessor's Parcel Numbers
- Vicinity map showing the location of the project
- Name and address of the property owner of the project
- Name and address of sub divider if different from item above
- Name and address of registered civil engineer, licensed surveyor architect, landscape architect, or land planner who prepared the map or plan
- North arrow, scale, and date of preparation
- Existing & proposed general plan, zoning, and land use
- List of Service Agencies
- Proposed phasing plan, if any, of lots & improvements
- Date of preparation and any revisions

**SIGNATURE SHEET**

**APPLICANT:** The applicant must be the owner of the land, the lessee having a leasehold interest of five (5) or more years, or the agent of the foregoing duly authorized in writing.

**CERTIFICATION:** I certify that the information and exhibits herewith submitted are true and correct to the best of my knowledge and that I am to file this application and act on behalf of the persons listed above. I agree to pay all planning fees associated with this application and will make additional deposits as required.

**PROPERTY OWNERS OF RECORD:** Signature of all owners of record is required or letter(s) from all owners of record authorizing filing of specific applications by a specific individual on a specific property. Attach additional sheets if necessary. All signers represent that they have full legal capacity to and hereby do, authorize the filing of this application. Leaseholds must be for at least five (5) years or the owner shall be required to sign this application.

Property Owner Name, Address, Telephone, FAX, E-mail address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Company or Corporation Name, if any: \_\_\_\_\_  
\_\_\_\_\_

**NOTARY PUBLIC**

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.  
\_\_\_\_\_

ss: \_\_\_\_\_

My Commission Expires  
Notary Public

*Add additional pages as needed for all property owners' signatures.*

**FOR STAFF COMPLETION**

Date Application Filed: \_\_\_\_\_

Date accepted as complete: \_\_\_\_\_

Received by: \_\_\_\_\_

Accepted by: \_\_\_\_\_

Expiration Date for 30-day Acceptance of Application: \_\_\_\_\_

Case Assigned to: \_\_\_\_\_

Date: \_\_\_\_\_

Other Cases filed concurrently with this application: \_\_\_\_\_

Other Cases filed prior to this application: \_\_\_\_\_

## **Informational Only**

### **Must I Hire an Architect for Every Building Project?**

You do not have to hire an architect for every building project. Current California law provides that persons who are not licensed as architects or registered as civil or structural engineers can design certain types of building or parts of buildings. Generally, persons who are not engineers or architects can design:

- single-family dwellings of wood frame construction that are not more than two stories and basement in height;
- multiple dwellings containing no more than four dwellings units that are of wood frame construction not more than two stories and basement in height and not more than four dwelling units per lot;
- garages or other structures added to dwellings of wood frame construction that are not more than two stories and basement in height;
- agricultural and ranch buildings of wood frame construction, unless the building official deems that an undue risk to the public health, safety, or welfare is involved;
- nonstructural or no seismic storefronts, interior alterations or additions, fixtures, cabinetwork, furniture, or other appliances or equipment, including nonstructural work necessary to provide for their installation; and
- nonstructural or no seismic alterations or additions to any building necessary for the installation of storefronts, interior alterations or additions, fixtures, cabinetwork, furniture, appliances, or equipment, provided those alterations do not change or affect the structural system of safety of the building.

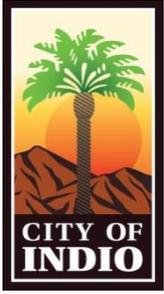
However, before you hire someone to design a new structure or alter an existing structure, you should consult the local building official in your city or county building department to determine whether or not a licensed architect or registered engineer must design the structure. The building official will advise you if your project can be done by an un-licensed person or if it will require a licensed architect or engineer to prepare and submit plans and specifications. You may save time and money by first discussing your project with the building official. In deciding if you need a licensed architect; the building official will consider existing state laws as well as public health, safety and welfare. The building official will also consider local environmental conditions such as snow loads, winds, earthquake activity, or tidal action.

### **Architects Practice Act 2000, Issued by California Architects Board 5536 Practice without License or Holding Self Out as Architect: Misdemeanor**

(a) It is a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) or by imprisonment in the county jail not exceeding six months, or by both fine and imprisonment, for any person who is not licensed to practice architecture under this chapter, to practice architecture in this state or to use any term confusingly similar to the word architect, or to use the stamp of a licensed architect, as provided in Section 5536.1, or to advertise or put out any sign or card or other device which might indicate to the public that he or she is an architect or that he or she is qualified to engage in the practice of architecture or is an architectural designer.

(b) It is a misdemeanor, punishable as specified in subdivision (a) for any person not registered or licensed by the state to prepare plans, specifications, and instruments of service for others to affix a stamp or seal which bears the legend "State of California" or words or symbols that represent or imply that he or she is so registered or licensed by the state to prepare plans, specifications, or instruments of service for the construction, alteration, improvement, or repair of buildings or structures, that are submitted to a state or local government entity for approval or the issuance of a permit.

(c) It is a misdemeanor, punishable as specified in subdivision (a), for any person to advertise or represent that he or she is a "registered building designer" or is registered or otherwise licensed by the state as a building designer.



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**Development Services Department**  
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Indio, California 92201  
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WWW.INDIO.ORG

***Environmental Application  
Filed in conjunction with Planning Application***

***Prepare project information, description and exhibits for review***

1. Project Name: \_\_\_\_\_

\_\_\_\_\_

2. Name & Address of Applicant: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Address and size of Project: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Assessor's Parcel Number(s): \_\_\_\_\_

\_\_\_\_\_

5. Name, Address, Telephone, Fax number, and e-mail address of contact person. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. Identify any other required permits and other public approvals, including Permits and approvals required by city, regional, state and federal agencies. \_\_\_\_\_

\_\_\_\_\_

7. Existing and proposed General Plan designations and zones: \_\_\_\_\_

\_\_\_\_\_

8. Proposed use of site: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Project Description:** \_\_\_\_\_

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Please identify:

- Site Sizes
- Number of Buildings and Square Footage of Building Area for each
- Number of Floors of construction and proposed heights
- Number of off-street parking spaces provided
- Proposed scheduling
- Associated projects
- Anticipated phases

Please describe:

- If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household sizes expected.
- If commercial, indicate the type, whether oriented to the neighborhood, city or region and describe square footage of sales area, parking and storage areas and loading facilities.
- If industrial, indicate type, estimated employment per shift, parking and storage areas and loading facilities.
- If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project.
- If the project requires a variance, conditional use permit or rezoning, state this and indicate clearly why the application is necessary.

Please describe:

- Changes in existing features of any bays, tidelands, beaches, or hills, or substantial alteration of ground contours.
- Changes in scenic views or vistas from existing residential areas or public lands or roads.
- Changes in pattern, scale or character of general area of project.
- Significant amounts of solid waste or litter.
- Changes in dust, ash, smoke, fumes or odors in vicinity.
- Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns.
- Substantial changes in existing noise or vibration levels in the vicinity.
- Site on filled land or on slope of 10 percent or more.
- Use of disposal of potentially hazardous material, such as toxic substances, flammable or explosives.
- Substantial changes in demand for municipal services (police, fire, water, sewage).
- Substantial increases in fossil fuel consumption (electricity, oil, natural gas).
- Relationship to a larger project or series of projects.

Please list attached plans.

## Environmental Setting

Please describe the:

- Project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical, or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site.
- Surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, industrial, or institutional) intensity of land use (one-family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, set-back, rear yard, etc.). Attach photographs of the vicinity.

**Certification:** I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information is true and correct to the best of my knowledge and belief.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name, Title and Company: \_\_\_\_\_



Projects Requiring State Clearinghouse Review  
*For Informational purposes only*

As required by the CEQA Guidelines, Sections 15205 and 15206, the following types of environmental documents must be submitted to the State Clearinghouse for state agency review:

1. Where the lead agency is a state agency (Guidelines Section 15205).
2. Where there is a responsible or trustee state agency (Guidelines Section 15205).
3. Where the project has statewide, regional, or area wide significance (Guidelines Section 15206).

With regard to the third criterion, the CEQA Guidelines deem the following types of projects as having statewide, regional, or area wide significance:

1. A proposed local general plan, element, or amendment for which an EIR was prepared.
2. A proposed residential development of more than 500 dwelling units.
3. A proposed shopping center or business establishment that will employ more than 1,000 persons or encompass more than 500,000 square feet of floor space.
4. A proposed hotel/motel development of more than 500 rooms.
5. A proposed industrial, manufacturing, or processing plant, or industrial park, planned to house more than 1,000 persons and occupy more than 40 acres of land or encompass more than 650,000 square feet of floor area.
6. A project that would result in the cancellation of a Williamson Act Contract for any parcel of 100 or more acres.
7. A project for which an EIR was prepared and which is located in and substantially impacting an area of critical environmental sensitivity. This includes the Lake Tahoe Basin, the California Coastal Zone, the Sacramento-San Joaquin Delta, the Suisun Marsh, any area within 1/4 mile of a wild and scenic river, and the jurisdiction of the San Francisco Bay Conservation and Development Commission.
8. A project that would substantially affect sensitive wildlife habitats such as riparian lands, wetlands, bays, estuaries, marshes, and habitats for rare and endangered species.
9. A project that would interfere with the attainment of regional water quality standards as stated in the approved area wide wastewater management plan.
10. A project that would provide housing, jobs, or occupancy for 500 or more people within ten miles of a nuclear power plant.



**CITY OF INDIO**  
**INDEMNIFICATION AGREEMENT**

**INDEMNIFICATION AGREEMENT RE:** \_\_\_\_\_ To the fullest extent permitted by law \_\_\_\_\_ (the “Applicant”), with respect to the above-referenced entitlement application (the “Application”), shall indemnify, defend and hold harmless, the City of Indio, California or any agency or instrumentality thereof, and/or any of its officers, employees, volunteers, attorneys and agents (in the aggregate the “City”) from any and all liability, demand, claim, action, or proceeding, whether actual or threatened, including by way of example but not exclusion proceedings of an administrative or regulatory nature and such proceedings as may be associated with alternative dispute resolution (an “Indemnified Claim”) brought by third parties against the City, or any advisory agency, appeal board or legislative body, including action approved by the voters of the City (in the aggregate, the “Indemnitees”), arising or alleged to arise, in whole or in part, as a result of or related to the Application and/or alleged action or inaction by City and/or Indemnitees thereon. In any defense of City and/or Indemnitees against an Indemnified Claim, City shall have the absolute right to unilaterally select its own legal counsel and any experts or consultants deemed necessary by City in an exercise of City’s sole discretion.

City shall promptly render notice to Applicant of the existence of an Indemnified Claim (a “Notice”) and Applicant shall defend City and/or Indemnitees thereon at its expense. In any Notice, City shall estimate the cost of its defense and/or the cost of Indemnitees’ defense (the “Estimated Cost”). The Estimated Cost shall include but not be limited to actual attorney fees to be incurred by City and/or Indemnitees, court costs, expert witness and/or consultant fees, and all other costs that may arise out of, or be incurred by City and/or Indemnitees in the defense of an Indemnified Claim. Upon such Notice, Applicant shall promptly deposit funds equal to the Estimated Cost (the “Initial Deposit”) with the City. Notwithstanding the magnitude of Estimated Cost and the Initial Deposit, City may require and Applicant shall promptly make additional deposits with the City to cover anticipated and/or unanticipated costs or fees with respect to its defense and/or the defense of Indemnitees (“Additional Deposits”).

City shall refund, without interest, any unused portions of the Initial Deposit and/or Additional Deposits once litigation is concluded or a dispute is resolved regarding an Indemnified Claim.

In the event that Applicant fails or refuses to make the Initial Deposit and/or Additional Deposits, Applicant shall be liable to City in the amount of the failed or refused deposit in the same manner as per a contract with City. Furthermore, City and/or Indemnitees may seek and collect its/their costs and attorney's fees in any dispute and/or litigation necessary to enforce this indemnification agreement.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

PRINT NAME:

\_\_\_\_\_  
Applicant's Duly Authorized Represent

END OF APPLICATION