
VILLAGE OF SUGAR GROVE BOARD REPORT

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: WALTER MAGDZIARZ, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: DISCUSSION: WAIVING FEE IN-LIEU-OF SIDEWALK CONSTRUCTION
AGENDA: AUGUST 16, 2022 VILLAGE BOARD MEETING
DATE: AUGUST 12, 2022

ISSUE

Shall the Village Board discuss waiving a fee-in-lieu-of sidewalk for a specific lot on Denny Road.

DISCUSSION

The resident at 1500 Denny Road (Kimme) is obligated to pay a fee in-lieu-of construction (FILOC) of a sidewalk across the frontage of his lot as a condition of approval of the subdivision plat that created the lot. The resident is objecting to the \$26,440 fee (based on engineer's estimate of cost). A sidewalk along the frontage of a lot is a required public improvement associated with a subdivision. The payment of the sidewalk FILOC is a condition of final occupancy for the newly constructed residence.

Note: The subdivision approval referenced a sidewalk and the actual improvement will likely be an off-street bike/pedestrian path in accordance with the Village's Bike Path Plan. For the purpose of this discussion the terms are interchangeable but the future improvement, a pedestrian facility, remains the issue.

The sidewalk FILOC was applied in this instance because Denny Road has a rural cross-section and if it were to be improved to urban standards the grades along the road would likely change and a sidewalk may be in conflict with future roadway improvements. At the time the Kimme subdivision was approved, Village staff recommended the sidewalk FILOC in order to avoid constructing an improvement that may need to be removed for a future roadway improvement. That there is no existing sidewalk to which a sidewalk on 1500 Denny Road would connect was also a consideration in the staff's recommendation.

A sidewalk is required along the frontage of any subdivided lot, per the Village Code. The residence next door to the east at 1560 Denny Road was not required to provide a sidewalk or a FILOC because that lot was created by a Plat Act exemption, the lot was greater than 5 acres and did not require the creation of a new street or access easement. The same exemption could not be applied to the Kimme lot since an access easement for a possible interchange at Bliss Road and I-88 was included along the north end of the Kimme lot. Hence, the creation of the lot had to follow the "subdivision" process in the Village Code.

The absence of sidewalks on adjoining property is not an indication pedestrian improvements are not planned. A sidewalk along New Merrill Road in Windstone is stubbed to Denny Road on the south side

of Denny Road. Sidewalks are also extended to Denny Road at Pine Street, Black Walnut Drive and Pinecrest Road in anticipation of connection to a pedestrian facility along Denny Road in the future.

Moreover, the Village has adopted a Bicycle Path Plan which is used as a planning document for bicycle transportation improvements throughout the Village's planning area. The Plan is recognized by Kane County and certain recommendations are included in the County bicycle transportation plan. The Bicycle Path Plan has a certain amount of legitimacy since many of its recommendations are being implemented at various locations across the Village. The Plan is referenced when any parcel of land is proposed to be developed.

The Plan designates a future off-street path along the north side of Denny Road which would connect to a similar path along Norris Road, much of which currently exists. The Village has obtained conditions of approval in county subdivisions along Denny Road to provide the bike path in the future when certain conditions are met (e.g., Konovidoff Subdivision). The future SFPD Station #2 site, immediately east of 1560 Denny Road, has an approved PUD plan which includes a bike path along the north side of Denny Road that will be constructed when that facility is constructed.

The subdivision process is the trigger for right-of-way and public improvements. It has been the Village's practice to require subdividers provide public improvements, including off-street bike paths that are identified in the Village's plans, if those planned improvements are located on the property being subdivided.

Village staff is aware the property immediately west of 1500 Denny is under contract by a developer and could be subdivided in the future. Village staff expects should that occur expectations for pedestrian facilities, including a bike path along Denny Road per the Plan, will be required.

Connectivity, including pedestrian facilities, is an issue in the Village. The Comprehensive Plan acknowledges it as an issue, and the current Comprehensive Plan update also is exposing this issue as a high priority issue among the public.

Village staff is of the opinion requesting FILOC for a bike path for a single lot development would have been an excessive requirement at the time and opted for a sidewalk FILOC. The absence of segments to connect to also factored into the recommendation to collect a sidewalk FILOC. The practice of obtaining improvements or FILOC for specific improvements yet to come is not a new practice for the Village. This practice is not limited to sidewalks or bike paths. The Village has employed this technique for future public improvements including future utilities, roads, school and park sites.

In this particular case, the Village is holding approximately \$22, 133.28 in escrow for unfinished or incomplete site improvements at 1500 Denny Road. An option is to repurpose the escrow for the sidewalk FILOC when the final occupancy permit is approved, recognizing that it is \$4,306.72 short of the engineer's cost estimate.

ATTACHMENTS

- Engineer's estimate of cost
 - VOSG Bike Path Plan, Denny Road corridor excerpt
 - SGFPD Site plan
 - Resolution 2020-1215 approving Kimme Subdivision Plat
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RECOMMENDATION

That the Village Board provide direction on collecting the fee in-lieu-of sidewalk.

Engineer's Estimate of Cost



Engineering Enterprises, Inc.

52 Wheeler Road, Sugar Grove, IL 60554

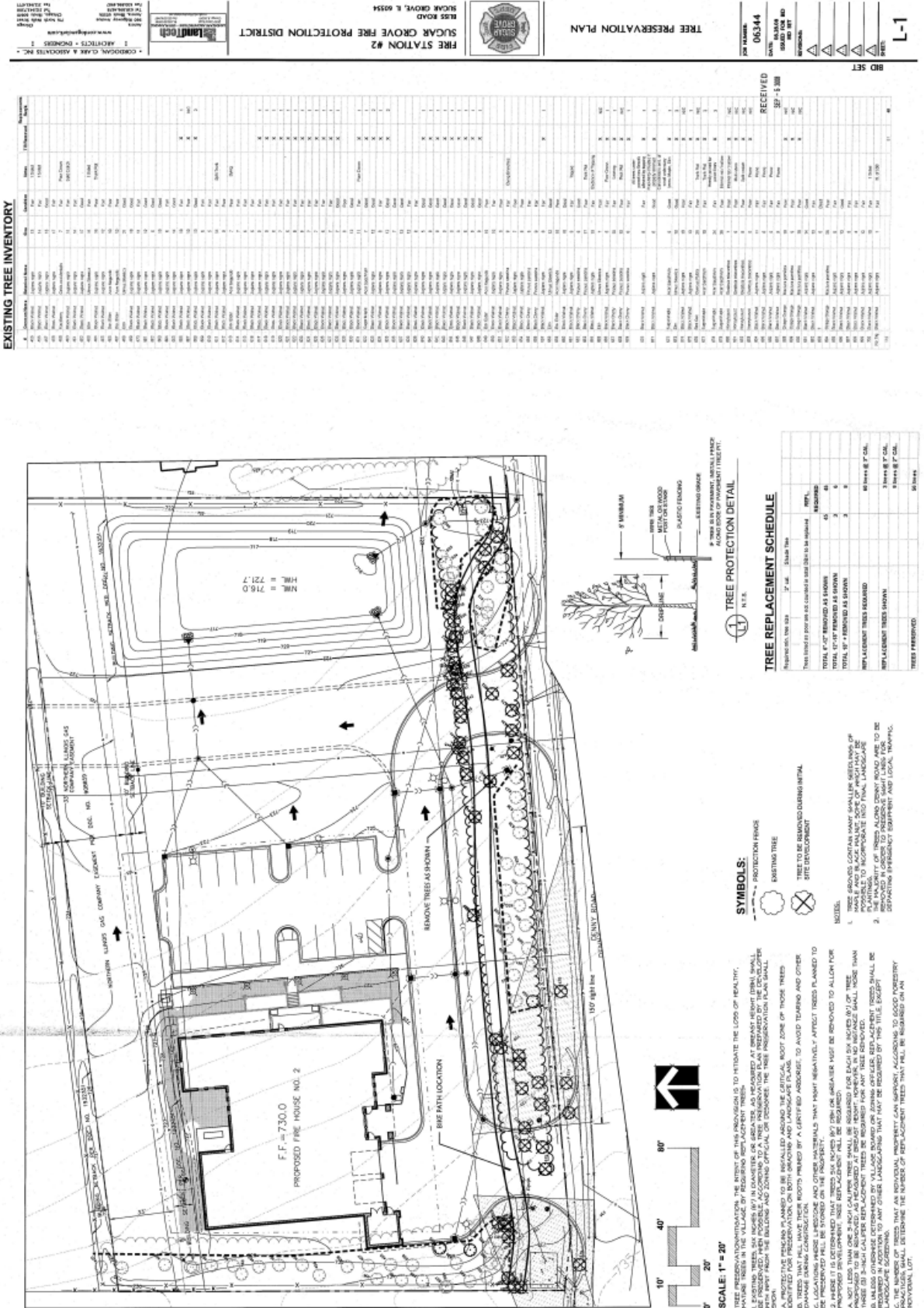
JOB NO:	
PREPARED BY:	CJO
DATE:	July 8, 2022
PROJECT TITLE:	Kimme Property Sidewalk

Engineer's Opinion of Probable Construction Cost					
ITEM NO.	ITEM	UNIT	QUANTITY	UNIT PRICE	AMOUNT
1	Earth Excavation	CU YD	35.0	\$ 60.00	\$ 2,100.00
2	Aggregate Base Course, Type B, 4"	SQ YD	140	\$ 20.00	\$ 2,800.00
3	Portland Cement Concrete Sidewalk 5 Inch	SQ FT	1,025.0	\$ 12.00	\$ 12,300.00
4	Restoration	SQ YD	100	\$ 15.00	\$ 1,500.00
5					\$ -
SUBTOTAL ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST					\$ 18,700.00
CONTINGENCY (20%)					\$ 3,740.00
TOTAL ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST					\$ 22,440.00
ENGINEERING (CONSTRUCTION AND DESIGN - 18%)					\$ 4,000.00
					\$ 26,440.00

Sugar Grove Bike Path Plan, excerpt



Sugar Grove Fire Protection District Station #2 PUD site plan





**VILLAGE OF SUGAR GROVE
KANE COUNTY, ILLINOIS**

RESOLUTION NO. 2020-1215C

**A RESOLUTION APPROVING A FINAL PLAT OF SUBDIVISION
(KIMME SUBDIVISION)**

Adopted by the Board of Trustees and President of the Village of Sugar Grove
this 15th day of December 2020

Published in pamphlet form by authority of the Board of Trustees of the Village of Sugar Grove
this 15th day of December 2020

VILLAGE OF SUGAR GROVE

RESOLUTION NO. 2020-1215C

**A RESOLUTION APPROVING A FINAL PLAT OF SUBDIVISION
(KIMME SUBDIVISION)**

WHEREAS, the Village of Sugar Grove is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution and, pursuant to the powers granted to it under 65 ILCS 5/1-8 *et seq.*; and,

WHEREAS, Kyle and Stephanie Kimme have filed an application for final subdivision approval for a tract of land generally located at the northeast corner of Denny Road and Merrill New Road; and,

WHEREAS, the Planning Commission reviewed the subdivision plat and in their Recommendation PC20-020 recommend the Village Board approve the final subdivision plat for Kimme Subdivision, subject to certain conditions; and,

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows:

- I. That the Final Plat of Subdivision for Kimme's Subdivision, attached hereto as Exhibit A and made a part hereof by this reference, is hereby approved subject to the following conditions and requirements:
 - A. That the subdivider provide the required right-of-way dedication for Denny Road
 - B. That the subdivider designate future highway right-of-way at the north end of the lot on the subdivision plat
 - C. That the subdivider provide a drainage and utility easement on the perimeter of the lot
 - D. That the future dwelling be connected to municipal water
 - E. That parkway trees along Denny Road be provided as required by the Subdivision Regulations
 - F. That the future dwelling be connected to public sanitary sewer once sanitary sewer lines are within two hundred (200) feet of the subject property

- G. That the subdivider pay a fee in lieu of sidewalk construction along the Denny Road frontage
 - H. That the subdivider prepare and provide a storm water report as required by the Subdivision Regulations
 - I. That the subdivider pay the prevailing Impact Fees at time of building permit application
2. That the President and Village Clerk, be, and they are, hereby directed and authorized to execute said Final Plat.
 3. That the Village Clerk is hereby directed to cause said Final Plat to be recorded in the Recorders Office of Kane County.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois this 15th day of December 2020.

ATTEST:

P. Sean Michels
P. Sean Michels,
President of the Board of Trustees

Alison Murphy
Alison Murphy,
Village Clerk

	Aye	Nay	Absent	Abstain
Trustee Sean Herron	/	—	—	—
Trustee Ted Koch	/	—	—	—
Trustee Jen Konen	/	—	—	—
Trustee Heidi Lendi	/	—	—	—
Trustee Rick Montalto	/	—	—	—
Trustee Ryan Walter	/	—	—	—

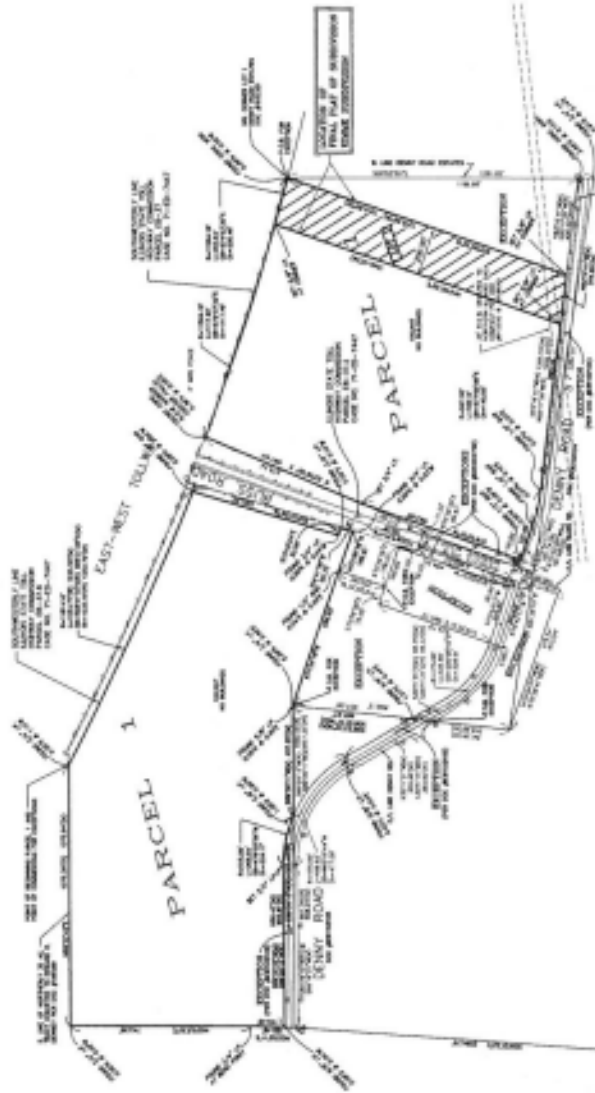
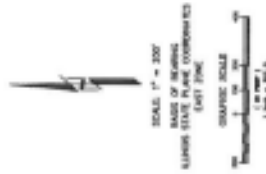




FINAL PLAT OF SUBDIVISION OF KIMME SUBDIVISION

PART OF SECTION 1, TOWNSHIP 36 NORTH, RANGE 1, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE
COUNTY OF SUBSIDIARY, THE COUNTY OF KANE, STATE OF ARIZONA

PRIN NO. 14-53-300-028



LEGEND

- CORNER MARK
- FENCE
- SAMPLE WITH SLOPED LE
- LIGHT PALE
- FENCE PALE
- FENCE
- FENCE

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PREPARED 12-20-20

SHEET No. 1 of 3 JOB No. 0330-06

