

**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: SCOTT KOEPPPEL, VILLAGE ADMINISTRATOR
SUBJECT: ORDINANCE: AMENDING THE VILLAGE CODE TITLE 12,
CHAPTER 7: DEDICATION OF PARKS LANDS AND SCHOOL
SITES OR PAYMENT OF FEES IN LIEU THEREOF, SECTION 12-
7-5 (D)
AGENDA: APRIL 15, 2025, REGULAR BOARD MEETING
DATE: APRIL 9, 2025

ISSUE

Should the Village Board update the Village Code to prohibit land cash payments from being used on litigation against the Village.

DISCUSSION

At their February 24, 2025, meeting the Kaneland School Board discussed potential litigation against the Village of Sugar Grove. Village President requested that staff and the Village Attorney draft an Ordinance updating Village Code to hold land cash and impact fees in escrow while any other unit of local government is engaged in active litigation with the Village. The Village Board collects and distributes land cash according to their own local Ordinances.

Impact fees are only defined in the Village Code, and rules for their collection and distribution are not outlined. Impact fees are set annually by Resolution as part of the budget process. If the Village Board wishes to apply the same policy with Impact fees and Land Cash (as described in the attached Ordinance) they need to amend the Resolution setting zoning, subdivision, and building permit fees, and other charges.

COST

Legal fees for the Village Attorney to draft the Ordinance.

RECOMMENDATION

Staff is neutral on this policy decision of the Village Board.

ORDINANCE NO: 2025-0415_

An Ordinance Amending the Village Code Title 12, Chapter 7: Dedication of Parks Lands and School Sites or Payment of Fees in Lieu Thereof, Section 12-7-5 (D)

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 5/1-1 et seq; and

WHEREAS, the Village seeks to continue to promote these interests, and seeks to amend the Village Code to more fully protect and preserve the safety and well-being of its residents; and

WHEREAS, the Village has adopted aa Dedication of Parks Land and School Sites or Payment of Fees in Lieu Thereof in order to address the recreational and educational needs of its residents; and

WHEREAS, the adoption of this dedication and payment of fees ordinance was intended to provide the necessary and critical funding for the recreational and educational needs of the Village's residents and not to subsidize or pay for the legal expenses of the school district; and

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

SECTION ONE

Title 12, Chapter 7 (Dedication of Parks Lands and School Sites or Payment of Fees in Lieu Thereof) of the Village of Code Ordinances to be amended as provided in Exhibit A. attached hereto and made part hereof by this reference.

SECTION TWO: GENERAL PROVISIONS

REPEALER: All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

SEVERABILITY: Should any provision of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the invalid provision had not been part of this ordinance.

EFFECTIVE DATE: This Ordinance shall be in full force and effect on and after its approval, passage and publication in pamphlet form as provided by law.

PASSED and APPROVED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois this 8th day of April 2025.

Jennifer Konen

President of Board of Trustees
Of the Village of Sugar Grove, Kane County,
Illinois.

ATTEST:

Traci Conti
Village Clerk, Village of Sugar Grove

	Aye	Nay	Absent	Abstain
Trustee Lendi				
Trustee White				
Trustee Herron				
Trustee Bonnie				
Trustee Schomas				
Trustee Michels				

EXHIBIT A

B. Contributions Held In Trust: The cash contributions in lieu of park and recreation land dedication shall be held in trust by the village, or other public body designated by the village, solely for the acquisition of park and recreation land as hereinbefore classified, which will be available to serve residents of the subdivision or development or for the improvement of said acquired lands or other existing local park and recreation land which already serves such needs. **These funds shall not be used for legal or litigation expenses and if any litigation is initiated by the school district or park district, these funds shall be held in trust until the litigation is either resolved or by court order.**

C. Use of Funds: The cash contribution in lieu of school sites shall be held in trust by the village, or other public body designated by the Village solely for the use on the acquisition of land for school site to serve the immediate or future needs of the children from the school district, for additions to any existing building or other structure under the control of any school district. **These funds shall not be used for legal or litigation expenses and if any litigation is initiated by the school district or park district, these funds shall be held in trust until the litigation is either resolved or by court order.**