
**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: MATT ANASTASIA, FINANCE DIRECTOR; SCOTT KOEPPPEL, VILLAGE ADMINISTRATOR
SUBJECT: ORDINANCE APPROVING AMENDMENT TO TITLE 12, CHAPTER 7 REGARDING THE PARK AND SCHOOL LAND CASH DONATION
AGENDA: FEBRUARY 18, 2025
DATE: FEBRUARY 7, 2025

ISSUE

Shall the Village Board approve an ordinance amending Village Code - Title 12, Chapter 7: Dedication of Park Lands and School Sites or Payment of Fees in Lieu Thereof.

DISCUSSION

At the February 4th Village Board meeting, the board discussed amendments to the land cash ordinance. The consensus was to give the schools more flexibility with the land cash they receive.

The board also discussed whether the payment should be in a one lump sum or paid at time of permit. The overwhelming majority of developers that staff spoke with preferred the option to pay at permit. Developers have other costs before any homes are built. Giving the ability to pay land cash at permit reduces the initial capital outlay. Providing two options gives flexibility while treating all builders and developers the same. As with many ordinances, a developer and the Village can negotiate the timing of land cash payments as part of a development or annexation agreement.

Later this year, staff will do more research and meet with the School and Park Districts before recommending a larger overhaul of land cash donations. In the future, staff will meet with the Park and School Districts to keep the land cash ordinance up to date.

The items Staff are proposing are:

- 12-7-5: Contribution in Lieu of Park and School Sites
- 12-7-6: Dedication of Land and Cash Contributions
- 12-7-14: Obtaining Cash Contributions

The redline versions of these sections are attached.

COST

Attorney Fees associated with drafting and reviewing any language changes needed for the Code.

RECOMMENDATION

Statt recommends approving the Ordinance.



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

ORDINANCE NO. 20250218L

An Ordinance Amending the Village Code Title 12, Chapter 7: Dedication of Park Lands and School Sites or Payment of Fees in Lieu Thereof.

Adopted by the
Board of Trustees and President
of the Village of Sugar Grove
this 18th day of February 2025.

Published in Pamphlet Form
by authority of the Board of Trustees
of the Village of Sugar Grove, Kane County,
Illinois, this 18th day of February 2025.

ORDINANCE NO. 20250218L

An Ordinance Amending the Village Code Title 12, Chapter 7: Dedication of Park Lands and School Sites or Payment of Fees in Lieu Thereof.

WHEREAS, the Village of Sugar Grove (the “Village”) 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 such inhabitants; 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: Village Code amendment

Title 12, Chapter 7 (Dedication of Park Lands and School Sites or Payment of Fees in Lieu Thereof) of the Village Code of Ordinances be amended as provided in Exhibit A, attached hereto and made a 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 a 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 18th day of February 2025.

Jennifer Konen
President of the Board of Trustees
of the Village of Sugar Grove, Kane County, Illinois

ATTEST:

Tracey Conti
Village Clerk, Village of Sugar Grove

	Aye	Nay	Absent	Abstain
Trustee Heidi Lendi	_____	_____	_____	_____
Trustee James F. White	_____	_____	_____	_____
Trustee Sean Herron	_____	_____	_____	_____
Trustee Matthew Bonnie	_____	_____	_____	_____
Trustee Michael Schomas	_____	_____	_____	_____
Trustee Sean Michels	_____	_____	_____	_____

Exhibit A

12-7-5: CONTRIBUTION IN LIEU OF PARK AND SCHOOL SITES:

A. Size And Appropriateness: Where the development is small and the resulting site is too small to be practical or when the available land is inappropriate for park and recreational purposes or a school site, the village shall require the subdivider or developer to pay a cash contribution in lieu of the land dedication required.

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.

C. Use Of Funds: The cash contributions in lieu of school sites shall be held in trust by the village, or other public body designated by the village, solely for use in the acquisition of land for a school site to serve the immediate or future needs of children from the school district, ~~or for additions to any existing school site or buildings which already serves such needs,~~ or maintenance and repairs of any school building or other structure under the control of any school district.

D. Additions Defined: For purposes of this title, "additions" shall be defined as land or capital structures such as new buildings, or expansion of existing buildings, which are acquired so as to create new school sites or buildings or enlarge existing school sites or buildings.

E. Use For ~~Repair And Maintenance~~ Salary & Salary Related Expenses Prohibited: Such cash contributions made pursuant to this chapter shall not be available to be used for ~~repair and maintenance of any school building or other structure under the control of any school district~~ any salary and salary related expenses of any school district. (Ord. 660, 4-15-1997)

F. Fair Market Value:

1. Defined: The cash contribution in lieu of land shall be based on the fair market value of the improved acres of land in the subdivision that would have otherwise been dedicated as park and recreation and school sites. For the purposes of this chapter the fair market value of such improved land in and surrounding the village is eighty thousand dollars (\$80,000.00) per acre and such figure shall be used in making any calculation herein.

2. Appraisal: If the village, subdivider or developer determines that said figure of eighty thousand dollars (\$80,000.00) per acre does not accurately reflect the fair market value of the improved land in such subdivision, the fair market value shall be based upon an appraisal by a qualified appraiser. (Ord. 2002-0507A, 5-7-2002, eff. 8-1-2002)

3. Objection To Appraisal: If the developer or subdivider does not agree with the appraisal, he/she may file a written objection to the village. Along with the objection, the developer shall submit an appraisal showing the fair market value of such improved land in the area of his/her development, or other evidence thereof. Final determination of said fair market value per acre shall be made by the village board based on the information submitted by the subdivider or developer and from any other sources which may be submitted to the village. (Ord. 660, 4-15-1997)

12-7-6: DEDICATION OF LAND AND CASH CONTRIBUTION:

A combination of land dedications and a cash contribution in lieu of land will be necessary in the following situations:

A. When only a portion of land to be developed is proposed as the location for a park or school site, that portion of the land within the subdivision falling within the park or school location shall be dedicated as a site as aforesaid, and a cash contribution, in lieu thereof, shall be required for any additional land that would have been required to be dedicated.

B. When a major part of the local park or recreation site or school site has already been acquired and only a small portion of land is needed from the development to complete the site, the remaining portions shall be required by dedication, and a cash contribution in lieu thereof shall be required for any additional land that would have otherwise been required to be dedicated. (Ord. 660, 4-15-1997)

C. Payment for cash contribution in lieu of land for Parks & School shall be made by the Developer at the time of final plat of subdivision in a lump sum or may be calculated on a per home type based on the final plat of subdivision and paid at the time of each individual permit.

12-7-14: OBTAINING CASH CONTRIBUTIONS:

Whenever funds have been contributed for school purposes in lieu of land, the Village may require that any school district seeking to obtain such funds contributed for developments within the school district, submit and be subject to the following:

A. Resolution: Submission of a resolution of the school district board, certified by its secretary, stating that the school district has contracted to purchase real property, or in the alternative that the school district intends to erect a school, ~~or~~ an addition to a school, or maintenance and repairs of any school building or other structure under the control of any school district. The resolution shall further state that said proposed use or uses of the funds conforms with the requirements or regulations of the appropriate State agency whose approval would be required in order to proceed with either the acquisition or construction work proposed.

B. Contract For Specific Use: Upon approval by the Village Board of Trustees of the expenditure of cash contributions made in lieu of school site dedications, the Board may require a contract to be executed providing for the specific use of the money, time limitations on its use, repayment of portions of such cash not used on a specific project or any other criteria, conditions or covenants the Village Board deems necessary in order to fully carry out and conform to this Title.

C. Accounting: Upon completion of any project undertaken with the use of such funds the school district shall provide an accounting to the Village Board of Trustees of the actual expenditures by the school district board of such money received from the Village. (Ord. 660, 4-15-1997)