
**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: MATT ANASTASIA, FINANCE DIRECTOR; SCOTT KOEPPPEL, VILLAGE ADMINISTRATOR
SUBJECT: DISCUSSION: LAND CASH DONATIONS ORDINANCE
AGENDA: FEBRUARY 4, 2025
DATE: JANUARY 30, 2025

ISSUE

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

DISCUSSION

Starting with The Grove, there have been inquiries regarding the Permit, Impact and Land Cash fees for the Village from Developers. Most recently, Lennar presented a concept to the Board and proposed a new development along 56 & Galena Blvd. Additionally, the needs of the School and Park Districts have changed since the last review of the land cash ordinance.

The Village Board has asked Staff to review Title 12, Chapter 7 regarding the Park & School Land Donation or Cash in Lieu of for the Village Code. While Staff is not ready, as more research is needed, to discuss the per acre value, park land requirements, school site dedication, population per dwelling unit, etc. Staff believes there are a few items that need to be addressed more urgently than others. 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

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

RECOMMENDATION

The Village Board discuss and provide direction to Staff to draft appropriate documents to move forward with the changes.

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)