KENDALL COUNTY LAND-CASH ORDINANCE

Revised November 13, 1995

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KENDALL COUNTY LAND-CASH ORDINANCE

In recent years, Kendall County has experienced a steadily increasing population growth due primarily to the residential subdivision and planned unit development of vacant land within the County. Planning studies indicate accelerated growth during the next ten years resulting in the disappearance of available land and the marked increase in land value.

The County is dedicated to the concept that healthful, productive community life depends in part on the availability of recreational and park space and adequate school facilities. It has been found and determined that the location of park, forest Preserve, recreation, and school sites to serve the immediate and future needs of adults and children of each new subdivision or planned unit development is just as essential to proper land development as are street, water, sewers and sidewalks. To this end, Kendall County has determined that the dedication of land for parks, forest preserve, recreation, and school sites or cash contributions in lieu of actual dedication (where the latter is deemed impractical) or a combination of both, shall prevail upon all new final plats of residential subdivisions and planned unit developments. The impact upon schools and parks is likewise equally affected by construction of new dwellings that are not part of a platted sub-division and accordingly, cash contributions should be made with regard to such construction as well.

Therefore, in the public interest, convenience, health welfare and safety, the establishment of parks, recreation and school sites and facilities are required for each final plat of a residential subdivision.

SECTION I DEDICATION OF PARK, FOREST PRESERVE & SCHOOL SITES OR PAYMENTS IN LIEU THEREOF:

CRITERIA FOR REQUIRING PARK/FOREST PRESERVE DEDICATION

A. As a condition of approval of a final plat of subdivision or planned unit development, each individual subdivider or planned unit developer will be required to dedicate land or cash in lieu of actual land or a combination of both in accordance with the following criteria: (all single family detached dwellings are considered four bedrooms for ordinance computations unless proven otherwise by individual or developer).

1. Location

Plans of the park district or forest preserve district or appropriate standards adopted by said agencies shall be used as a guideline in locating sites.

2. Requirement and Population Ratio

The ultimate population density to be generated by a subdivision or planned unit development shall bear directly on the amount of land required to be dedicated for park and recreation sites. The acreage of land dedication requirement shall be determined by obtaining the total population of the development times 10 acres per 1,000 population. Total population is determined by applying the estimated ultimate population per dwelling unit table, as per the Ultimate Yield Table published by the Associated Municipal Consultants, to the number of respective units in the development. For purposes of the following example, it is presumed that each

single family home will have 4 bedrooms. For other dwelling units such as townhouses, apartment, it is presumed that each unit will have 2 bedrooms.

3. Donation Requirement Calculation Example:

Development "A" containing 200 single family homesites.

(units) x (population factor) x the required acreage = Total Acres

per 1000 population

200 units x 3.750 x <u>10 acres</u> = 7.50 acres 1.000

Credit for Land Dedication

When land dedication is required by this ordinance, credit to developers for said dedication will be given according to the following criteria.

For dedications to the park district, the first five (5) acres must be contiguous in one location, relatively flat, not included as part of a storm water management system, and above all known maximum flood levels in the area. Land in excess of the above mentioned five acres, and land to be dedicated to the forest preserve district shall be credited as follows:

100% Credit - for additional land as described above, natural areas, designated wetlands, or areas designated by the park district/forest preserve district as potential or future linear parks.

50% Credit - for areas that are a part of a storm water management system, if they are designed to be appropriate for active sporting purposes when they are

dry, and are constructed to park district or forest preserve district specifications.

For purposes of this ordinance, appropriate for active sporting purposes shall mean having a bottom with minimum dimensions of 400 feet by 400 feet, free of any exposed sanitary sewer structures, storm sewer structures, and other utility structures (i.e., manholes, drains, outlets, valves, junction boxes, transformers, etc.).

No Credit - For storm water management facilities that do not meet the above standards, and land that has been, or is suspected of being contaminated. The park district and forest preserve district may choose to recommend full or partial credit for manmade lakes or ponds that are judged to be of recreational or environmental benefit.

B. Criteria for Requiring School Site Dedication

1 - 10 2

1. Requirement and Population Ratio

The ultimate number of students to be generated by a subdivision, planned unit development and or special use permit shall bear directly upon the amount of land required to be dedicated for school sites. The land dedication requirement shall be determined by obtaining the ratio of: (a) estimated children to be served in each school classification (this number is determined by applying the estimated ultimate population per dwelling unit table (Table 1) to the number of respective units in the development) over the, (b) actual

average number of students to be served in each such school classification as stated herein, and then applying such ratio to the, (c) said actual average number of acres for a school site of each such classification as stated herein. The product thereof shall be the acres of land deemed needed to have sufficient land for school sites to serve the estimated increased children in each such school classification. For purposes of this computation it is presumed that each single family home will have 4 bedrooms. For other dwelling units, such as townhouses, apartments, it is presumed that each unit will have 2 bedrooms.

Example: Development "A" is composed of 100 single-family "4 bedroom" units:

estimated children

<u>by school classification</u> x actual acreage by = land donation

actual school population school classification

by school classification

Classification by Grades	County Average Students per school classification	County Average Acreage per school classification
Elementary	321.50 students	7.25 acres
Middle	429.88 students	15.92 acres
High School	590.0 students	49.30 acres

(Regional means are calculated to determine current student populations and acreages)

(see tables 1 & 2)

Elementary:

 $\frac{100 \times 1.078}{321.50} \times 7.25 = 2.4309 \text{ acres}$

Middle:

100 x ,190 x 15.92 = .7036 acres 429.88

High School:

100 x .340 x 49.30 = 2.8410 acres

Total acreage = 5.9755 (See Appendix A-I)

- C. Criteria for Requiring a Contribution in Lieu of Park, Preserve, Recreational or School Sites
 - 1. When available land is inappropriate for school sites, as determined by local agency officials, the County shall require a cash contribution in lieu of land dedication by the subdivider or unit developer. The county shall furthermore require a cash contribution for all residential dwellings which are constructed not part of a platted sub-division. For all computations, one acre is the maximum home site.
 - 2. Collection of Fees
 - a. The cash contribution in lieu of park and recreation land dedication shall be held in trust by the County, or other public body designated by the County, solely for the acquisition of park or recreational land as herein classified, which will be available to serve the immediate and future needs of the residents of that subdivision or development, or for the improvement of other existing local park and recreation lands which already serve such needs. Distribution of cash contributions shall be made on a quarterly basis to

- appropriate park/forest preserve/recreation land agents.
- b. The cash contribution in lieu of school sites shall be held in trust by the County, or other public body designated by the County. Said funds shall be used solely for the acquisition of land for a school site to serve the immediate or future needs of children from that subdivision or development, or for the improvement to any existing school site or buildings which already serve or will serve such need. Distribution of cash contributions shall be made on a quarterly basis to appropriate school districts.
- c. The total cash contribution to be required shall be determined prior to the approval of the final plat and paid prior to recording of said plat. The cash contribution required for a residential unit not part of a platted sub-division shall be determined in the same manner as for other residential developments and shall be determined prior to the issuance of a building permit and collected prior to the issuance of a building permit. This ordinance does not apply to reconstruction.
- d. All homes shall be computed on the basis of having four bedrooms unless the owner can prove otherwise. The number of bedrooms shall be determined by potential footage.

3. Refund

If any portion of a cash contribution in lieu of park,

preserve, recreation or school sites is not expended for the purposes set forth herein within ten years from the date of receipt, it shall be refunded with accrued interest to the lot owner or owners of those lots for which the contribution was made which owner or owners are determined at the time the date of refund is established.

4. Criteria for Requiring Land Dedication and a Fee

There will be situations in subdivisions or planned unit developments when a combination of land dedication and a contribution in lieu of land are both necessary; these occasions will arise when:

- a. Only a portion of the land to be developed is proposed as the location for a park, preserve, recreation or school site. That portion of the land within the subdivision falling within the school, park of forest preserve location shall be dedicated as a site as stated earlier, and a cash contribution in lieu thereof shall be required for any additional land that would have been required to be dedicated.
- b. A major part of the park, preserve, recreation 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.

5. Fair Market Value

The cash contributions in lieu of land shall be based on the "fair market value" of the acres of land in the area improved that otherwise would have been dedicated as park, preserve, recreation or school sites. An "Improved Acre" in a planned unit development is defined as a tract of land improved with streets, curbs, water, storm sewer, sanitary sewer, electrical, natural gas and telephone service. Fair market value for land not part of subdivision or a planned unit development shall be calculated on the market value of an improved acre. The fair market value of an improved acre is determinted to be \$37,250. The fair market value of an unimproved acre not part of a planned unit development is determined to be \$15,000. Fiar market values shall be reviewed by the County Board every two years. The value of an unimproved acre shall be estimated with those improvements necessary to make the land habitable. Improvements shall include as a minimum septic, water, electricity, well, and roads.

6. Dual districts will be treated as they are affected by the impact of the subdivision or development within their territories: elementary and middle school contributions shall go to the elementary district and high school contributions shall go to the high school district.

D. Conveyance of Land

 The subdivider or developer shall convey to the respective school district, park of forest preserve the lands required under this agreement within 90 days after request by the district.

E Density Formula

The attached table, marked as Table No. 1, being the same as Estimated Ultimate Population Per Dwelling Unit, is generally indicative of current and short-range projected trends in family size for new construction and shall be used in calculating the amount of required dedication of acres of land or the cash contributions in lieu thereof unless a written objection is filed thereto by the subdivider or developer.

In the event a subdivider or developer files a written objection to the Table of Estimated Ultimate Population Per Dwelling Unit, attached hereto, said subdivider or developer shall submit their own demographic study showing the estimated additional population to be generated from the subdivision or planned unit development and in that even final determination of the density formula to be used in such calculations shall be made by the County Board, based upon such demographic information submitted by the subdivider or developer and from other sources which may be submitted to the County Board by the School District or others. It is recognized that population density, age distribution and local conditions change over the years, and the specific formula components for the dedication of land, or the payment of fees in lieu thereof, as stated herein is subject to

periodic review and amendment upon verification of current data by the Kendall County Board or its designee.

F. Reservation of Additional Land

Where the park district, forest preserve district or school district's plan or standards of the County Plan call for a larger amount of park and recreational land or school sites in a particular subdivision or planned unit development than the developer is required to dedicate, the land needed beyond the developer's contribution shall be reserved for subsequent purchases by the County or other public body designated by the County, provided that such acquisition is made within one year from the date of approval of the final plat.

G Site Condition

The slope, topography and geology of the dedicated site as well as its surroundings must be suitable for its intended purposes.

Grading and seeding on sites to be dedicated for park, preserve or school uses will be performed according to plans and specifications provided by the park, preserve or school district.

H Improved Sites

All sites shall be dedicated in a condition ready for full service of electrical, water, sewer and streets (including enclosed drainage and curb and gutter) as applicable to the location of the site, or acceptable provision made therefor. Such improvements shall conform to plans provided by the park, forest preserve or school district.

SECTION II ORDINANCE PROVISIONS

If any provision of this Ordinance, or the application thereof to any person or circumstances is declared invalid by a court of competent jurisdiction, such partial invalidity shall not affect other provisions or applications of this Ordinance, which can be given effect without the invalid provision or application thereof, and to this extent the provisions of this Ordinance are declared to be coverable.

SECTION III EFFECTIVE DATE

This Ordinance shall be in full force and effect from the date of its passage as provided by law.

Steel on

County Clerk

Adopted:

Chairman

1995

1993 TABLE OF ESTIMATED ULTIMATE POPULATION PER DWELLING UNIT Children per Unit w/Sp. Ed. Factor

Type of Unit	Pre-School	Elementary	Junior High	Total	High School		
	0-4	Grades K-6	Grades 7-8	Pre K-8	Grades 9-12	Adults	Total Per
		5-11 years	12-13 years	5-13 years	14-17 years	18 yrs+	Dwelling Unit
Detached Si	ngle Family					***************************************	***************************************
2 bedroom	0.102	0.191	0.054	0.347	0.057	1.694	2.098
3 bedroom	0.254	0.440	0.126	0.820	0.179	1.921	2.920
4 bedroom	0.413	0.665	0.190	1.268	0.340	2.142	3.750
5 bedroom	0.236	0.488	0.139	0.863	0.249	2.637	3.749
Attached Sin	gle Family				Nederlahanan menerakan sebagai kenduaran sebagai kenduaran sebagai kenduaran sebagai kenduaran sebagai kenduar		
1 bedroom	0.000	0.064	0.018	0.082	0.037	1.068	1.187
2 bedroom	0.092	0.198	0.056	0.346	0.074	1.776	2.196
3 bedroom	0.231	0.298	0.085	0.614	0.103	1.805	2.522
4 bedroom	0.332	0.452	0.130	0.914	0.205	2.243	3.362
Apartments						***************************************	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
Efficiency	0.000	0.064	0.018	0.082	0.037	1.360	1.479
1 bedroom	0.000	0.064	0.018	0.082	0.038	1.749	1.869
2 bedroom	0.042	0.160	0.045	0.247	0.079	1.614	1.940
3 bedroom	0.050	0.339	0.096	0.485	0.153	2.499	3.137

•	Acres	Capacity	Population
HŞ			
Coal City H.S.	50.000	600	480
Gardner/So. Wil	7.000	470	189
Morris H.S.	48.000	1240	796
Minooka H.S.	79.000	1300	733
Yorkville H.S.	24.720	600	583
Newark H.S.	48.790	350	154
Plano H.S.	19.170	834	617
Oswego H.S.	117.700	1314	1168
Total	394.38		4720
Average	49.30		590.00
Middle School			
Coal City Middle	7.500	779	495
MVK Elementary	10.000	425	212
MVK Middle Sch	20.000	270	193
Shabbona Jr. Hi	22.420	650	448
Minooka Jr. Higi	6.500	430	333
Circle Center	29.700	540	731
Thompson Jr. H	19.225	624	545
Traughber Jr. H	12.000	618	482
Total	127.345		3439
Average	15.92		429.88
Elementary		i (i
Coal City Eleme	12.450	850	586
MVK Elementary	10.000	425	212
Nettle Creek	3.818	125	65
Erienna	3.000	60	19
Center	2.460	366	435
Garfield	1.810	480	323
Franklin	0.331	240	189
Saratoga	24.000	569	417
Gardner Elem.	7.000	375	240
So. Wilmington	2.300	285	107
Braceville Elem	5.300	325	141
Minooka Elem.	15.000	725	631
Newark Grade S	5.000	270	199
Millbrook	5.000	120	107
Centennial	2.530	298	268
P.H. Miller	7.360	473	428
Lisbon	5.310	250	139
Yorkville Grade		332	341
Bristol	4.440	247	284
East View	17.600	1014	907
Boulder Hill	12.000	545	543
Long Beach	9.200	644	492
Tota			7073.00
Avgerag			321.50

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Middle	0.126	\$1.000.000.0000.0000.000.000.000.000	429.88		
H.S.	0.179	49.3	590	0.014957	
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Check: Ful Category Elem	l Formula PF 1.078	7.25 15.92	321.5 429.88	37,250 37,250	\$905.53 \$262.11

Total Student Factor: Single Family Detached

2 BEDROOM				
Category	Pop Factor	Min Acres	Max Pop	Total Stdnt Fact
Elementary	0.293	7.25	321.5	0.006607
Middle Sch	0.054	15.92	429.88	0.002000
High School	0.057	49.3	590	0.004763
				0.013370
3 BEDROOM				
Category	Pop Factor	Min Acres	Max Pop	Total Stdnt Fact
Elementary	0.694	7.25	321.5	0.015650
Middle Sch	0.126	15.92	429.88	0.004666
High School	0.179	49.3	590	0.014957
				0.035273
4 BEDROOM				
Category	Pop Factor	Min Acres	Max Pop	Total Stdnt Fact
Elementary	1.078	7.25	321.5	0.024309
Middle Sch	0.19	15.92	429.88	0.007036
High School	0.34	49.3	590	0.028410
				0.059756
5 BEDROOM				
Category	Pop Factor	Min Acres	Max Pop	Total Stdnt Fact
Elementary	0.724	7.25	321.5	0.016327
Middle Sch	0.139	15.92	429.88	0.005148
High School	0.249	49.3	590	0.020806
		ļ	1	0.042281

Total Student Factor: Attached Single Family

1 DEDDOOM				
1 BEDROOM				
Category	Pop Factor	Min Acres	Max Pop	Total Stdnt Fact
Elementary	0.064	7.25	321.5	0.001443
Middle Sch	0.018	15.92	429.88	0.000667
High School	0.037	49.3	590	0.003092
				0.005202
2 BEDROOM				
Category	Pop Factor	Min Acres	Max Pop	Total Stdnt Facti
Elementary	0.029	7.25	321.5	0.000654
Middle Sch	0.056	15.92	429.88	0.002074
High School	0.074	49.3	590	0.006183
				0.008911
3 BEDROOM				
Category	Pop Factor	Min Acres	Max Pop	Total Stdnt Fact
Elementary	0.298	7.25	321.5	0.006720
Middle Sch	0.085	15.92	429.88	0.003148
High School	0.103	49.3	590	0.008607
				0.018475
4 BEDROOM				
Category	Pop Factor	Min Acres	Max Pop	Total Stdnt Fact
Elementary	1.015	7.25	321.5	0.022889
Middle Sch	0.13	15.92	429.88	0.004814
High School	0.205	49.3	590	0.017130
	e quantità di la constanti di		İ	0.044833

Total Student Factors: Apartments

EFFICIENCY	1			
Category	Pop Factor	Min Acres	Max Pop	Total Stdnt Facto
Elementary	0.064	7.25	321.5	0.001443
Middle Sch	0.018	15.92	429.88	0.000667
High School	0.037	49.3	590	0.003092
				0.005202
1 BEDROOM				
Category	Pop Factor	Min Acres	Max Pop	Total Stdnt Fact
Elementary	0.064	7.25	321.5	0.001443
Middle Sch	0.018	15.92	429.88	0.000667
High School	0.038	49.3	590	0 003175
				0.005285
2 BEDROOM				
Category	Pop Factor	Min Acres	Max Pop	Total Stdnt Fact
Elementary	0.202	7.25	321.5	0.004555
Middle Sch	0.018	15.92	429.88	0.000667
High School	0.079	49.3	590	0.006601
				0.011823
3 BEDROOM				
Category	Pop Factor	Min Acres	Max Pop	Total Stdnt Fact
Elementary	0.389	7.25	321.5	0.008772
Middle Sch	0.096	15.92	429.88	0.003555
High School	0.153	49.3	590	0.012785
				0.025112

Unit District: Student Factor Computation

DETACHED SING	LE FAMILY			
	TOTAL STUDENT	ACTOR	FMV	CONTRIBUTION
2 BEDROOMS	0.01337	X		
3 BEDROOMS	0.035273	×		
4 BEDROOMS	0.059756	X		
5 BEDROOMS	0.042281	Х		
ATTACHED SING	SLE FAMILY			
	TOTAL STUDENT	FACTOR	FMV	CONTRIBUTION
1 BEDROOM	0.005202	X		
2 BEDROOMS	0.008911	X		
3 BEDROOMS	0.019475	X		
4 BEDROOMS	0.044833	X		
APARTMENTS				
*	TOTAL STUDENT	FACTOR	FMV	CONTRIBUTION
EFFICIENCY	0.005202	Х		
1 BEDROOM	0.005285	X		
2 BEDROOM	0.011823	X		
3 BEDROOM	0.025112	Х		

Land Cash Computation Worksheet:

Land Dedication:

Parks/Forest Preserve

Formula

Units X Population Factor* X Required Acreage = Dedicated Land Population

* population factor from Yeild Table, total column

Sample: 200 four bedroom units

200 units X 3.75 X 10/1000 = 7.5 acres

Schools

Sample: 200 four bedroom units

Elementary: $200 \times 1.078 \times 7.25 = 4.87 \text{ acres}$

321.5

Middle School: $200 \times .19 \times 15.92 = 1.41 \text{ acres}$

429.88

High School: $200 \times .34 \times 49.3 = 5.68$ acres

590

Unit District Total:

4.87

1.41

5.68

11.96 acres

Elementary Total:

4.87

1.41

6.28 acres

High School Total: 5.68 acres

Computation Directions: Kendall County Land Cash Cash Contribution

- Determine the type of dwelling, detached single family, attached single family or apartment.
- Determine the number of bedrooms: it is assumed all dwellings are four bedrooms unless proven otherwise.
- Select the appropriate Total Student Factor from the "Unit District: Student Factor Computation."
 - Example: four bedroom, detached, single family dwelling has a Total Student Factor of .059756
 - Fair Market Value is \$37,250
- Multiply the Total Student Factor times the Fair Market Value as determined by the Supervisor of Assessments.
 - .059756 X \$37,250 = \$2,225.91*
 - * amount due the unit district
- 5. The method is the same for Dual Districts except two computations are needed: again, using the Total Student Factor table, select the appropriate dwelling type by number of bedrooms; add the student factors of Elementary and Middle School and multiply that sum times the FMV: this is the elementary district amount. Multiply the high school student factor times the FMV: this is the high school district amount.

```
Elementary: (Pre K -6) + (Middle School) = Elem. Factor .024309 + .007036 = .031345

Elem. Student Factor x FMV = Contribution .031345 \times $37,250 = $1,167.62**

High School: HS Student Factor x FMV = Contribution .028410 \times $37,250 = $1,058.29**
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** Note: \$1,167.62 + 1,058.29 = \$2,225.91 (same as Unit total)

Summary:

Total Student Factor X FMV = Contribution

(Sample resolution for compliance with Kendall County Land Cash Ordinance requirements)

Resolution on Land Use and/or Expenditures of the Kendall County Land Cash Contributions

Whereas the Kendall County Board has established a Land Cash Ordinance dedicated to the concept that healthful, productive community life depends in part on the availability of recreational and park space and adequate school facilities, and

Whereas the Kendall County Board has determined that the provision of park, recreation, and school sites to serve the immediate and future needs of adults and children of each new subdivision, planned unit development or individual construction is just as essential to proper land development as are street, water, sewers and sidewalks, and

so stated within the Kendall County Land Cash Ordi	
Therefore it is resolved by the	nance shall be and that any use of he Kendall County Land
	ash in lieu of land, now

1993 Kendall Land Cash Computation Procedure

NOTE:

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- •The 1993 Table of estimated Ultimate Population Per Dwelling Unit was developed by the Illinois School Consulting Service. The population factors have been weighted with the special education population. The weighting is determined as follows:
- •The Kendall County Special Education Population is 12% of the total school population. 7/13 of 12% is added to the elementary population estimate; 2/13 to the middle school; and 4/13 to the high school. The weighting is consistent with the additional cost associated with special education programs. The Pre-School Population Estimate is not weighted as these children are predominately special education students. In the formula computation, Pre-School is added to Elementary as these students are housed in the same buildings.
- •(For Total Student Factor and Formula check, see Appendix A)