

ORDINANCE # 2009-08

AMENDMENT TO THE KENDALL COUNTY LAND CASH ORDINANCE
Section 1.C.2 "Criteria for requiring a cash contribution in lieu of land for park,
preserve, recreational or school sites- collection of fees"

WHEREAS, the Kendall County Board approved the last amendment to the Land Cash Ordinance on March 21, 2006; and

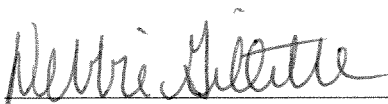
WHEREAS, the Kendall County Board amends these ordinances from time to time in the public interest; and

WHEREAS, it has been determined that the Letter of Credit for land cash is no longer needed in the ordinance since collections are made at the permit stage;

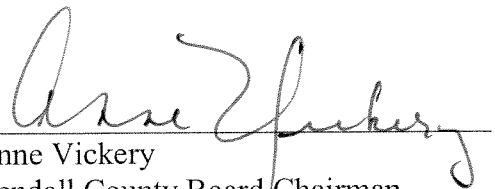
NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby approves an amendment to the Land Cash Ordinance, attached hereto as Exhibit "A" to reference the deletion of the letter of credit requirement in section 1.C.2.

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 17th day of March, 2009.

Attest:



Kendall County Clerk
Debbie Gillette



Anne Vickery
Kendall County Board Chairman

EXHIBIT A

C) CRITERIA FOR REQUIRING A CASH CONTRIBUTION IN LIEU OF LAND FOR PARK, PRESERVE, RECREATIONAL OR SCHOOL SITES.

1. **Determination Of Cash-in-lieu of Land Donations:**

When available land is inappropriate for park, forest preserve or 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 constructed that are not part of a platted subdivision.

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 construction of a new school or 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 districts.
- c) Unless otherwise approved by the affected school, park or forest preserve district, the total cash contribution required shall be determined prior to the approval of the final plat and paid prior to recording of said plat and shall be based upon the generation tables and fair market values in effect at the time of recording. If a subdivision contains more than three lots, the Owner/subdivider/developer may request to pay the contribution at the time of issuance of a building permit for each individual lot. Such request shall require written approval of the affected districts.

The cash contribution required for a residential unit not part of a platted subdivision shall be determined in the same manner as for other residential developments and shall be determined and collected prior to the issuance of a building permit by using the generation tables and Fair market Values in effect at time of issuance of the permit. This ordinance does not apply to reconstruction.

Deleted: choose

Deleted: . Such alternative payment procedure is acceptable if and only if: ¶
¶
<#>it is agreed to by the affected District;
<#>the developer posts a financial guarantee acceptable to the County, in an amount equal to 110% of the total cash contribution which would have been due if an up-front payment had been made¶

Deleted: Upon request by the developer, the County shall allow the amount of such land-cash surety to be reduced by an amount equal to the total donations collected, provided however, that the total amount remaining in the bond is sufficient to cover the balance of the donations due and owing for any undeveloped lots. Such alternative payment procedures shall be noted in any and all development agreements and shall be disclosed to all prospective lot purchasers prior to execution of a sales contract for any lot in the development. A note disclosing this obligation shall also appear on all plats submitted for recording that have been approved for this alternative payment procedure. ¶

- d) Up-front payments made at the time of recording of a final plat shall be computed on the basis of all lots having four bedrooms homes. In those instances in which payment is to be collected at the time of issuance of an individual building permit, the fee to be collected will be based on the actual number of bedrooms as determined by the County based upon the architectural plans submitted.