

ORDINANCE # 2009- 16

AMENDMENT TO THE KENDALL COUNTY LAND CASH ORDINANCE
Section 1.A “Dedication of Park, Forest Preserve and School Sites or Payments In Lieu Thereof” and Section 1.C. “Criteria for Requiring a Cash Contribution In lieu of Land for Park, Preserve, Recreational or School Sites - Collection of Fees” sub-paragraphs “c” & “d”

WHEREAS, the Kendall County Board approved the last amendment to the Land Cash Ordinance on April 21, 2009; and

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

WHEREAS, Section 1.A sets forth the criteria for requiring land or cash-in-lieu of land donations when land is subdivided and;

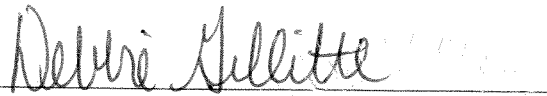
WHEREAS, the County Board has determined that the role of the benefiting districts in determining whether a land or cash donation is appropriate is in need of clarification and;

WHEREAS, the County Board has further determined that in those instances in which a developer/subdivider will fulfill their contributions through a cash-in-lieu donation to the benefiting district that the developer shall have the option of providing either an up front payment at the time of recording of the final plat or deferral of the payment to the issuance of individual building permits for each new residential unit without approval of the benefiting districts and;

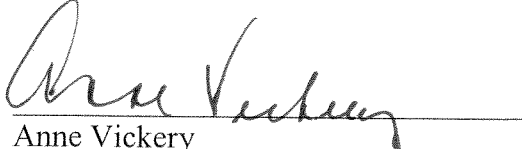
NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby approves an amendment to Section 1.A; Section 1.C.2.c and Section 1.C.2.d of the Kendall County Land Cash Ordinance, as presented in Exhibit “A” attached hereto and made a part hereof.

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 19th day of May, 2009.

Attest:



Kendall County Clerk
Debbie Gillette



Anne Vickery
Kendall County Board Chairman

EXHIBIT "A"

KENDALL COUNTY LAND CASH ORDINANCE

SECTION 1 – DEDICATION OF PARK, FOREST PRESERVE AND 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 based on the recommendation of the affected district which will be the recipient of the contribution, but subject to final determination of the County Board 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).

A. CRITERIA FOR REQUIRING PARK/FOREST PRESERVE DEDICATION

B) CRITERIA FOR REQUIRING SCHOOL SITE DEDICATION

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 choose to pay the cash-in-lieu contribution at the time of issuance of a building permit for each individual lot or as a lump sum payment prior to the recording of the final subdivision plat. ~~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.

- 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 bedroom 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.

The payment procedures agreed upon as well as the generation tables and fair market values in effect at the time of recording 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.