

ARTICLE V
SCHOOL LAND DEDICATION

Sec. 62-151 Dedication of Land or Cash Contributions Required; Determinations by County

- a. As a condition of approval of a final plat of a subdivision or of a final plan for a planned development, each subdivider or developer is required to dedicate land for school sites to serve the immediate and future needs of the residents of the development, or cash contribution in lieu of actual land dedication, or a combination of both at the option of the County in accordance with this Article.
- b. Prior to the County granting approval for a preliminary plat of subdivision or a preliminary plan for a planned development, the County shall make a determination, and convey such determination to the developer, as to the following:
 - i. With concurrence from the affected school district, whether land, cash in lieu of land or a combination of both shall be required; and
 - ii. If any municipality having a 1 ½ mile planning jurisdiction, pursuant to 65 ILCS 5/11-13-1 et seq., wishes to exercise such jurisdiction relative to a required land dedication or cash contribution to the affected district, whichever requirement, that of the County or the municipality, is more restrictive shall prevail.

Sec. 62-152 Criteria for Land Dedication

- a. *Calculation of acreage.* The number of students to be generated by a subdivision or planned development shall bear directly upon the amount of land required to be dedicated for school sites. The land dedication requirement shall be determined by the following:
 - i. The estimated number of children to be generated by the subdivision or planned development in each school classification as determined by reference to Section 62-155 of this article; divided by
 - ii. the maximum recommended number of students to be served according to each school classification site as determined in paragraph b; multiplied by
 - iii. the said minimum recommended number of acres for a school site of each school classification as stated in paragraph b.

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.

b. School Classifications.

i. School classification and size of school sites within the County shall be determined in accordance with the following criteria:

Classification by Grades	Maximum Number of Students for each Classification	Minimum Number Acres of Land for Each School Site Classification
Elementary K-5	600	11
Middle School	750	28
High School	1500	45

ii. The number of acres required for a school site is based upon State Office of Education standards as adopted by the State Board of Education as follows:

Elementary School	Minimum 5 acres plus 1 acre per 100 students;
Middle School	Minimum 20 acres plus 1 acre per 100 students;
High School	Minimum 30 acres plus 1 acre per 100 students.

c. *Location.* The comprehensive school plan, County plan and/or the standards adopted by the affected school district(s) shall be used as a guideline in location sites. Additional guidelines which may be considered in locating sites include, but are not limited to, centrality of location within proposed development, size of subdivision, proximity of site to other schools, parks and municipal services, topography, geology, soils and shape of site, accessibility of site, safety, and other environmental and use conditions.

Sec. 62-153 Criteria for Cash Contribution

a. *Applicability; use.* Where the development size results in the dedication of a school site too small to be practical or when the available land is inappropriate for a school site, the County shall require the subdivider or developer to pay a cash contribution in lieu of the land dedication required. The cash contribution in lieu of school sites shall be made payable to the affected school district(s) and used only to specifically and uniquely benefit the residents of the development from which the contribution was donated. Such cash contributions shall be used only for:

i. The acquisition of land for a school site to serve the immediate or future needs of children from that subdivision or development.

ii. The construction of new buildings.

- iii. The construction of additions to existing school structures.
 - iv. The alteration, renovation, modification or rehabilitation of existing school structures.
 - v. The leasing of school facilities to meet needs when building is not possible or feasible.
 - vi. The administrative expenses of application for disbursement, and use of the cash contributions.
- b. *Determination of amount; method of payment.* The total cash contribution to be required shall be determined at the time the final plat of a subdivision or final plan of a planned development is approved. Prior to execution of said final plat or plan, the developer or subdivider shall provide the County with a receipt as proof of payment, or other such written documentation proving security for the payment as determined, as signed by the chief executive officer, or his or her duly appointed designee, of the affected school district(s). Security for payment shall be in the form of an irrevocable letter of credit in the amount as determined from an acceptable banking institution or a certificate of deposit with a federally insured bank or savings and loan association.
- c. Determination of fair market value of land.
- i. The cash contributions in lieu of land shall be based on the "fair market value" of so much of the land as would have been dedicated and fully improved in accordance with minimum standards for improvement as set forth in Article IV herein. The "fair market value" of such improved land shall be determined by the governing board of the school district(s) affected.
 - ii. Such "fair market value" figure shall be used in making any calculation herein unless the subdivider or developer files a written objection thereto. In the event of any such objection, the objecting party shall, at its cost and by a Member of the Appraisal Institute (M.A.I.), submit an appraisal showing the "fair market value" of the land as improved in the development or other evidence thereof. Final determination of said "fair market value" shall be made by the County Planning and Regulations Committee based upon the information submitted by the subdivider or developer, and/or by other interested persons or entities.

Sec. 62-154 Density Formula

- a. The Table of Estimated Ultimate Population Per Dwelling Unit referenced in Section 62-155 is generally indicative of projected trends in family size for new construction and shall be used in calculating the amount of required dedication and 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 said table, he shall submit his own demographic study showing the estimated population to be generated from the subdivision or planned development and in that event, the final determination of the density formula to be used in such calculations shall be made by the County Planning and Regulations Committee based upon such demographic information submitted by the subdivider or developer and from other sources which may be submitted for consideration. It is recognized that population density, age distribution and local conditions change over the years, and the specific formula for the dedication of land, or the payment of fees in lieu thereof, as stated herein, is subject to periodic review and amendment if necessary.

Sec. 62-155 Table of Estimated Ultimate Population per Dwelling Unit

The Table of Estimated Ultimate Population per Dwelling Unit, located in the Appendix to this Chapter, shall be used in connection with the provisions of this Article.

Sec. 62-156 Combining Sites with Adjoining Developments

- a. Where the subdivision or planned development is less than forty (40) acres, a school site which is to be dedicated should, where possible, be combined with dedications from adjoining developments in order to produce usable school sites without hardship on a particular developer.

Sec. 62-157 Topography and Grading of Site

- a. The slope, topography and geology of the dedicated school site as well as its surroundings must be suitable for its intended purpose. Grading on sites dedicated shall not differ greatly from the surrounding land.

Sec. 62-158 Construction of Improvements on Sites

- a. All school 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 therefore. The sidewalks and trees normally included within the definition of "improved" sites may be deleted due to the delay time between dedication of any such school site and construction of school facilities

thereon.

Sec. 62-159 Maintenance of Dedicated Land

- a. Upon the proposal being accepted by the involved school districts, said school district shall assume the responsibility of maintaining the dedicated land in accordance with state, County and municipal laws.

Sec. 62-160 Annual Review of Requirements

- a. By January 1 of each year, the Regional Superintendent of Schools in conjunction with the County Planning Department staff shall review the provisions of this ordinance and any plans submitted by school districts concerning donations of land, or cash contribution in lieu thereof. The Planning Department shall forward its findings to the Planning and Regulations Committee. No amendment to this ordinance shall be effective without a public hearing first being held where comments from the interested persons, if any, were received.

Sec. 62-161 – 62-170 Reserved.