

ARTICLE VI

PARKS AND RECREATION LAND DEDICATION

Sec. 62-171. Parks and Recreational Sites

- a. As a condition of approval of a final plat of subdivision, or of a final plat of a planned unit development any part or portion of which is residential, each subdivider shall be required to dedicate land for forest preserve and recreational purposes to serve the immediate and future needs of the residents of DeKalb County or to contribute cash in lieu of such actual land dedication, or to make a combination of cash contribution and land dedication at the election of the forest preserve district in accordance with the following criteria and formula:
 - i. *Requirement And Population Ratio:* The ultimate density of proposed development bears directly upon the amount of land required for dedication. The total acreage requirement shall be ten (10) acres of land per one thousand (1,000) people of ultimate population. This requirement shall be reduced to five (5) acres of land per one thousand (1,000) people of ultimate population for subdivisions composed entirely of single family detached houses having a gross buildable density equal to less than 0.8 dwelling units per acre. Total ultimate population is determined by multiplying the estimated ultimate population per dwelling unit (based upon a study furnished by the subdivider or the Table of Estimated Population Per Dwelling Unit as found in the Appendix) by the projected number of respective residential units in the development. The product thus obtained for total ultimate population shall be multiplied by 10/1,000 to arrive at the number of acres required for recreation area dedication for the development.
 - ii. *Population Density:* The estimated number of people generated by a development shall be determined by a study furnished by the subdivider, or by application of the Table of Estimated Ultimate Population Per Dwelling Unit (as set out in the Appendix of this Chapter). The table is generally indicative of current and short range projected trends in family size for new construction. The populations listed in said table shall be used for all calculations required by this Section unless a written objection is filed by the subdivider or developer with the County Clerk prior to approval of the final plat. In the event a written objection is filed, the subdivider or developer shall file a demographic study showing the estimated population to be generated from the subdivision or planned unit development. The final determination of the total ultimate population density to be used in the calculations shall be made by the County Board based upon the demographic information submitted by the subdivider or developer and upon such other demographic information as may be provided to the County or developed by the County.

- iii. *Location.* Forest preserve areas shall be located in such a fashion as to serve the forest preserve district acquisition plan: (additions to existing forest preserve areas, floodplains, wetlands, quarries, greenway corridors, right-of-ways, land that owners want to sell to the forest preserve district for preservation). The district shall ensure that site location, and other factors are satisfactory for the district to accomplish the district's goals.

- iv. *Credit for Private Open Spaces and Recreation Areas.* When subdividers or developers provide their own open space for recreation areas and facilities, it has the effect of reducing the demand for local public recreational services. Depending on the size of the development, a portion of the recreational area in subdivisions or planned unit developments may, at the option of the County Board, be provided in the form of "private" open space in lieu of dedicated "public" open space. The extent of the same shall be determined by the County Board based upon the needs of the projected residents and in conformance to the total recreation land for the general area. In general, a substitution of private open space for public, dedicated recreation areas will imply a substantially higher degree of improvement and the installation of recreational facilities, including equipment, as a part of the developer's obligation. Detailed plans of such areas, including specifications of facilities to be installed, must be approved by the Plat Officer, and before any credit is given for private recreation areas, the subdivider or developer must guarantee by the execution of the appropriate legal documents that these private recreation areas will be permanently maintained for such use. Private "swimming clubs" are included in this provision. When an adjustment for private recreation areas is warranted, it will be necessary to compute the total recreation area dedication that would have been required under this Section from the subdivision or planned unit development and then subtract the credit to be given.

- v. *Conveyance of site.* Any lands to be conveyed as a recreation area pursuant to this Section shall be conveyed to the County, or other suitable public or not-for-profit entity approved by the County Board, simultaneously with the recording of the final plat. Said conveyance shall be in accordance with the following criteria:
 - (1) *Title To Site:* All sites shall be conveyed to the receiving entity either by warranty or trustee's deed. The subdivider or developer shall be responsible for conveying good, merchantable title, free of encumbrances. The conveyance shall be accompanied by a commitment for title insurance issued by a reputable title insurance company licensed to do business in the State. The subdivider or developer shall be responsible for the payment of all real estate taxes levied and assessed against the site for

the tax year in which the conveyance occurs and not just through the date of conveyance.

- (2) Topography: Grading And General Suitability. The slope, topography and geology of the dedicated site as well as its immediate surroundings must be suitable for its intended purpose. The site must be free of environmental and archaeological concerns.
- (3) Site improvements: All sites shall be dedicated in a condition ready for full service of electrical, water, sewer, drainage and streets as applicable to the location of the site, or acceptable provision made therefor.

Sec. 62-172. Contribution of Cash in Lieu of Land.

- a. *Requiring cash in lieu of land.* In the event the district should determine that a cash contribution shall be made by the subdivider in lieu of a land dedication, the district shall apply a population ratio of one acre of land per 100 of ultimate population in the area to be subdivided by the fair market value established herein. The fair market value shall be the same as that value determined in Section 62-153 for cash contributions in lieu of a school site. Such cash contribution may be required when the available land is inappropriate for forest preserve and recreational purposes, or where long-range planning of the district would require an acquisition of a large park or recreation site, only part of the cost of which would be borne by the particular subdivider. In most cases the district would accept cash in lieu of land to be used to purchase larger tracts of land as opposed to accepting an acre of land located within subdivision. If a development is planned adjacent to an existing forest preserve, land joining the forest preserve would be considered for dedication as a buffer "green space" between the forest preserve and subdivision.
- b. The cash contribution in lieu of preserve sites shall be held in trust by the district. The funds collected by the district pursuant to this article shall be used only for the purchase of land for forest preserve sites or to improve new forest preserve land. No other use shall be made of the funds collected.
- c. The required total cash contribution shall be payable to the district at the time of final plat approval. This revenue will be deposited in the forest preserve's land acquisition fund.
- d. The developer/person(s) of the subdivision or planned unit development shall make each cash contribution required under this policy directly to the district in cooperation with the County Planning Department. If other park districts have a similar land/cash policy, the forest preserve district policy will not apply to new housing within other park districts with a land/cash policy. Duplicate dedications are not required.

Sec 62-173. Criteria for Requiring 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 site. That portion of the land within the subdivision falling within the park 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 to be dedicated.
 - i. A major part of the park or recreational 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.

Sec 62-174. Reservation of Additional Land

Where the plans of the County call for a larger park site in a particular proposed subdivision or planned unit development than the developer is required to dedicate, the land needed beyond the developer's contribution shall, if so determined by the County Board, be reserved for subsequent purchase by the City, provided, that such acquisition is made within one year from the date of approval of the final plat.

Sec 62-175. Combining with Adjoining Developments

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

Sec. 62-176. Policy Provisions.

- a. If any provision of this policy, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such partial invalidity shall not affect other provisions or application thereof, and to this extent the provisions of this policy are declared to be covered.

Sec. 62-177. Effective Date.

- a. This policy shall be in full force and effect upon the adoption by the DeKalb County Board.