

ARTICLE VI
SCHOOL LAND DEDICATION

(Amended December 20, 2005 and June 22, 2006)

6.01 DEDICATION OF SCHOOL SITES OR PAYMENT OF FEES IN LIEU THEREOF

As a condition of approval of a final plat of subdivision or re-subdivision, or of a final plat of a planned development, each subdivider or developer shall be required to dedicate land for school sites to serve the expanded future needs of the residents of the district, or make a contribution in lieu of actual land dedication, or a combination of both, at the option of the County and the Board of Education. Absent a request from the affected Board of Education and the County, a presumption is established that a cash contribution in lieu of land shall be made.

6.02 CRITERIA FOR REQUIRING SCHOOL SITE DEDICATION

A. ***Criteria for Dedication of School Site.*** 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 obtaining the ratio of:

1. The estimated number of children to be generated by the subdivision or planned development in each school classification as determined by reference to Section 6.05 of this article (“Table of Estimated Ultimate Population per Dwelling Unit”); over the
2. Maximum recommended number of students to be served according to each school classification site as stated herein, and then applying such ratio to the said;
3. Minimum recommended number of acres for a school site of each school 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.

B. ***School Classification and Size of School Site.*** School classification and size of school sites within the County shall be determined in accordance with the following criteria:

<u>Classification By Grade</u>	<u>Minimum Acres of Land Per School Site</u>
Elementary Grades K-5	5 acres plus one additional acre for each 100 pupils of predicted ultimate enrollment
Junior High Grades 6-8	20 acres plus one additional acre for each 100 pupils of predicted ultimate enrollment
High School Grades 9-12	30 acres plus one additional acre for each 100 pupils of predicted ultimate enrollment

The school board of each school district may file, with the County Clerk from time to time, a declaration of predicted ultimate enrollment for each type of school site classification to be used for the calculations required by this Division. In the event no declaration is filed by an affected school district, the following predicted ultimate enrollment numbers shall be used for the calculations required by this ordinance.

<u>Classification</u>	<u>Maximum Number of Students for Each Classification</u>
Elementary	400
Junior High	500
High School	1000

- C. **Location.** The comprehensive school plan, County plan and/or the standards adopted by the affected school district shall be used as guidelines in locating 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.

6.03 CRITERIA FOR REQUIRING A CONTRIBUTION IN LIEU OF SCHOOL SITES (Amended December 20, 2005)

- A. 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, as determined in consultation and agreement with the affected school district, the County shall require a cash contribution in lieu of the land dedication required.
- B. **Contribution Amount:** The cash contribution required, on a per-lot basis, shall be determined by multiplying the land dedication required by application of the formula found in Section 6.02 of this division, times fair market value of improved, subdivided land, as platted within the development's final plat, that otherwise would have been dedicated as school sites. It has been determined that the present fair market value of such land in the County is \$84,000 per acre and such figure shall be used in making any calculation herein unless the subdivider or developer files a written objection thereto with the County Clerk and the Superintendent of the School District prior to approval of the final plat. Based on the foregoing, the per-lot contributions for various types of dwelling units shall be as follows:

Per-Lot Contribution Amounts					
<small>(Amended December 20, 2005)</small>					
Type of Dwelling Unit		Elementary School Grades K-5	Jr. High School Grades 6-8	High School Grades 9-11	Total Amount All Grades
Detached S.F. 2BR		\$257	\$202	\$67	\$526
Detached S.F. 3BR		\$697	\$737	\$618	\$2,052
Detached S.F. 4 BR		\$1,002	\$1,252	\$1,210	\$3,464
Detached S.F. 5 BR		\$652	\$1,042	\$1,008	\$2,702
Attached S.F. 2 BR		\$166	\$202	\$128	\$496
Attached S.F. 3 BR		\$442	\$244	\$198	\$884
Attached S.F. 4 BR		\$609	\$647	\$581	\$1,837
Apartments 2 BR		\$163	\$176	\$155	\$494
Apartments 3 BR		\$442	\$517	\$396	\$1,355

S.F. = Single-Family

BR = Bed Rooms

- C. ***Time of Payment/Binding on Successors/Notice to School District:*** The obligation to make the cash contributions shall be binding on the subdivider or developer, any successors and assigns, and shall run with the land. Prior to approval of the final plat, the subdivider or developer shall, in a form approved by the County; execute and acknowledge the obligation to make the cash contributions; file said acknowledgment with the County; deliver a copy thereof to each affected School District and the Regional Office of Education for Ogle County; and file a receipt of delivery, issued by each affected School District and the Regional Office of Education for Ogle County, with the County Planning & Zoning Department. The cash contribution required herein shall be paid for each unit prior to the issuance of a zoning certificate. Proof of payment, issued by the Regional Office of Education and approved by the affected School District, must be submitted to the Planning & Zoning Department prior to the issuance of a zoning certificate. No zoning certificate shall be issued until said payment has been made to the Regional Office of Education which shall hold the funds in trust for the affected school district and transfer said funds for the purposes set forth in this Ordinance as soon as practicable.
- D. ***Use of Funds:*** Said cash contribution shall be paid to and held in trust by the Board of Education solely for use in the acquisition of land for a school site to serve the expanded needs of children from the district or for improvements to any existing school site which already serves such needs. Improvement under this section shall be liberally construed. Improvement shall also include the purchase of any material, goods or equipment necessary to said development and construction. Improvement shall further include the construction or lease of buildings; the construction of additions to existing school buildings; the remodeling or renovating of instructional and non-instructional spaces in classrooms, and the purchase of pre-fabricated classroom units to be used at a school site.
- E. ***Exemption to Per-Lot Contributions:*** Where a dwelling exists and is destroyed by any means (fire, act of nature, demolition, etc.), no per-lot contribution shall be required in order to obtain a Zoning Certificate to re-construct said dwelling subject to the following:
1. The person making application for the Zoning Certificate was the owner of record of the destroyed dwelling;
 2. The new dwelling is on the same parcel of land as that previously occupied by the destroyed dwelling. (June 22, 2006)

6.04 DENSITY FORMULA

The “Table of Estimated Ultimate Population Per Dwelling Unit” in Section 6.05 of this Division of these regulations 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 Zoning 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.

6.05 TABLE OF ESTIMATED ULTIMATE POPULATION PER DWELLING UNIT (Amended December 20, 2005)

The following table shall be used in connection with the provisions of this Article:

TABLE OF ESTIMATED ULTIMATE POPULATION PER DWELLING UNIT							
Children Per Dwelling Unit							
Type of Unit	Pre-School 0-4 Years	Elementary Grades K-5 5-10 Years	Jr. High Grades 6-8 11-13 Years	Total Grades K-8 5-13 Years	High School Grades 9-12 14-17 Years	Adults (18-Up)	Total Per Unit
Detached Single Family:							
2 Bedroom	0.113	0.136	0.048	0.184	0.020	1.700	2.017
3 Bedroom	0.292	0.369	0.173	0.542	0.184	1.881	2.899
4 Bedroom	0.418	0.530	0.298	0.828	0.360	2.158	3.764
5 Bedroom	0.283	0.345	0.248	0.593	0.300	2.594	3.770
Attached Single Family:							
1 Bedroom	0	0	0	0	0	1.193	1.193
2 Bedroom	0.064	0.088	0.048	0.136	0.038	1.752	1.990
3 Bedroom	0.212	0.234	0.058	0.292	0.059	1.829	2.392
4 Bedroom	0.323	0.322	0.154	0.476	0.173	2.173	3.145
Apartments:							
Efficiency	0	0	0	0	0	1.294	1.294
1 Bedroom	0	0	0	0	0	1.754	1.754
2 Bedroom	0.047	0.086	0.042	0.128	0.046	1.693	1.914
3 Bedroom	0.052	0.234	0.123	0.357	0.118	2.526	3.053

NOTE: There are only three significant categories provided in this chart. Because of the similarities of yields of all types of attached single family dwellings, only one category is provided. The same is true with apartments; there is only one category. Because of the short history of some newer types of detached and attached single family units, individual evaluations may be necessary.

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6.06 CONVEYANCE OF SITE

Any lands to be conveyed as a school site pursuant to these regulations shall be conveyed to the school district within 30 days of the approval of the final plat. If the conveyance is acceptable to the Board of Education, it shall take formal action accepting the conveyance. Said conveyance shall be in accordance with the following criteria:

- A. All sites shall be conveyed to the Board of Education either by warranty or trustee's deed. The subdivider or developer shall be responsible for conveying good, merchantable title, free of encumbrances, unless the encumbrances are waived by the Board of Education, to the Board of Education. The subdivider or developer shall be responsible for the payment of all real estate taxes to the date of conveyance.
- B. The slope, topography and geology of the dedicated site as well as its surroundings must be suitable for its intended purpose. The site must be free of environmental and archaeological concerns.
- C. 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 therefore.
- D. When, in the opinion of the Board of Education, any parcel of land conveyed pursuant to these regulations becomes unnecessary, unsuitable, or inconvenient for the uses of the School District such parcel may be sold as provided by applicable law. The proceeds of such sale shall be used in a manner consistent with the purposes of this ordinance.
- E. No zoning certificate shall be issued until said conveyance has been made.
- F. When the development is small and the resulting site is too small to be practical or when the available land is inappropriate for a school site, as determined by the Board of Education, the County shall require the subdivider or developer to pay a cash contribution in lieu of the land dedication required.
- G. There will be situations, as determined by the Board of Education, in subdivisions or planned developments when a combination of land dedication and a contribution in lieu of land is necessary. These occasions will arise when:
 - 1. Only a portion of the land to be developed is proposed as the location for a school site. That portion of the land within the subdivision falling within the school location shall be dedicated as site as aforesaid, and a cash contribution in lieu thereof shall be required for any additional land that would have to be dedicated;
 - 2. A major part of the 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.

6.07 RESERVATION OF ADDITIONAL LAND

Where the comprehensive school plan and/or County plan calls for a larger school site in a particular proposed subdivision or planned 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 County or the Board of Education, provided that such acquisition is made within one year from the date of approval of the final plat.

6.08 COMBINING WITH ADJOINING DEVELOPMENTS

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.

6.09 NOTATION ON FINAL PLAT

The developer or subdivider shall include the following language as a restriction on the final plat: "County ordinances require the dedication of a school site and/or the payment of cash in lieu of land before the issuance of a zoning certificate. Cash payments shall be made on a per-lot basis prior to the issuance of a zoning certificate."

6.10 MAINTENANCE OF DEDICATED LAND

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

6.11 NOTIFICATION ON CONVEYANCE OF LAND AND/OR PAYMENT OF FEES IN LIEU THEREOF

The owner, developer, or subdivider of land subject to these regulations shall notify the purchaser of such land of any unsatisfied dedication of land and/or cash payments required by this ordinance.

6.12 NOTIFICATION AND INDEMNIFICATION BY BOARD OF EDUCATION

Prior to receiving a dedication of land or a cash contribution in lieu of land, pursuant to this division, the Board of Education shall adopt a resolution indicating its desire to receive the dedications and/or contributions required by these regulations, and shall execute an intergovernmental agreement with the County in which the School District agrees to indemnify and hold the County harmless, including the cost of attorney's fees, from all suits filed in which the validity or application of this division of these regulations is challenged.

6.13 OBJECTIONS

- A. ***Fair Market Value:*** The subdivider or developer may file a written objection to the fair market value determination of these regulations with the County Clerk and the Superintendent of the School District prior to approval of the final plat. With the filing of any such objection, the subdivider or developer shall file a written appraisal showing the fair market value of such land and any other relevant evidence thereof. The County may also accept relevant information from the Board of Education and other sources. Upon notice to the subdivider or developer, the Superintendent of the affected School District, and any other party who the County deems appropriate, the County shall hold a hearing on the objection.
- B. ***Population Density:*** The subdivider or developer may file a written objection to the Table of Estimated Ultimate Population per Dwelling Unit found in Section 6.05 of these regulations with the County Clerk and the Superintendent of the School District prior to approval of the final plat. With the filing of any such objection, the subdivider or developer shall file a demographic study showing the estimated additional student population to be generated from the subdivision or planned unit development and any other relevant evidence thereof. The County may also accept relevant information from the Board of Education and other sources. Upon notice to the subdivider or developer, the Superintendent of the affected School District, and any other party who the County deems appropriate, the County shall hold a hearing on the objection.

- C. **Hearings:** In all cases where this division of these regulations provides for a hearing on an objection, the Planning and Zoning Committee of the County Board is hereby directed and authorized to conduct the hearing and to render a final decision on said objection.

6.14 MUNICIPAL PLANNING JURISDICTION

- A. **No Municipal Ordinance:** With respect to any municipality which exercises its statutory planning jurisdiction within one and one-half miles of its borders, and which has not enacted an ordinance requiring a land donation and/or cash contribution for affected school districts upon the final platting of a subdivision, re-subdivision, or planned unit development, this provisions of this division of these regulations shall control.
- B. **Conflict of Ordinances:** With respect to any municipality which exercises its statutory planning jurisdiction within one and one-half miles of its borders, and which has enacted an ordinance requiring a land donation and/or cash contribution for affected school districts upon the final platting of a subdivision, re-subdivision, or planned unit development, and which municipal ordinance is in conflict with the provisions of this ordinance, the provisions of the ordinance which provides for the greater contribution shall control.