

ORDINANCE NO. ~~1956~~

BEING AN ORDINANCE AMENDING CHAPTER 155,
ENTITLED "SUBDIVISIONS", OF
THE CODE OF ORDINANCES OF THE VILLAGE
OF MATTESON, COOK COUNTY, ILLINOIS,
PROVIDING FOR THE DEDICATION OF
SCHOOL GROUNDS OR FOR PAYMENT OF
FEEES IN LIEU THEREOF AND DEDICATIONS.

BE IT ORDAINED by the President and Board of Trustees of the Village of Matteson, Cook County, Illinois, as follows:

Section 1. Amend Chapter 155, entitled "Subdivisions" of the Code of Ordinances of the Village of Matteson, Cook County, Illinois, adopted February 20, 2001, as amended, by deleting in their entirety, Section 155.007 and Section 155.095, and substituting in lieu thereof the following:

- (I) "SECTION 155.007. DEDICATION OF SCHOOL SITES OR PAYMENTS OF FEES IN LIEU THEREOF.
 - (A) FINDINGS. The President and Board of Trustees hereby find the following:
 - (1) During the past few years, the Village of Matteson has experienced a population increase due principally to the development of vacant lots, annexation of additional land and the subdivision of vacant land within the jurisdiction of the Village; and
 - (2) The Village has found that productive community life depends in a great part on the availability of adequate school facilities to serve the new development; and
 - (3) The Village adopted Ordinance #1669 on May 19, 1997, to establish a specific requirement for the dedication of school grounds or the payment of fees-in-lieu of dedication, and that Ordinance requires a periodic update to ensure consistency with current land development and school needs; and
 - (4) It is hereby found and determined that the public interest, convenience, health, welfare and safety require the establishment of school ground within the Village generally in accordance with the following criteria which is consistent with the minimum site recommendations of the office of the State Superintendent of Education and Elementary School Districts No. 159 and No. 162, and Rich Township High School District No. 227 (hereinafter "School Districts") operating within the jurisdiction of the Village;

- (a) 600 capacity elementary schools (K-5) on 11 acres of useable land;
 - (b) 900 capacity junior high schools (6-8) on 29 acres of useable land;
 - (c) 1,500 capacity high schools (9-12) on 45 acres of useable land;
- (5) Demographic studies of the residential portion of a proposed subdivision or planned unit development can be readily and scientifically conducted to determine the number of elementary and secondary school age children and adults typically to be generated therefrom, and provide a method whereby the required dedications of land directly attributable to the activity of the subdivider, developer or builder and the proposed subdivision or planned development may be calculated; and
- (6) It is found and determined that the location of the school grounds to serve the immediate and future needs of residents and children of each new development is as essential to proper land development as are streets, water, sewers and sidewalks, and to that end the Village has determined that the dedication of land for school grounds or cash contributions in lieu of actual land dedication (where the latter is deemed impractical) or a combination of both, shall be required of each residential builder or each developer of a residential subdivision or a planned residential development.
- (B) INDEMNITY AGREEMENT REQUIRED. This Ordinance shall be applicable only to those School Districts with a valid and enforceable indemnity agreement which will hold the Village harmless for any complaints arising out of the implementation of this Ordinance.
- (C) CONDITION OF APPROVAL. The provisions of this Ordinance shall be a condition of the approval of a final plat of subdivision or approval of a final plat of a planned residential development, or approval of a building permit on a parcel of land within an already approved subdivision (provided the developer of said subdivision has not already paid a fee or donated land for school grounds). Each applicant, builder, subdivider, or developer will be required to dedicate land for school grounds to serve the immediate and future needs of the residents of the development, or make a cash contribution in lieu of actual land dedication, or a combination of both, at the option of the Village, in accordance with the following criteria and formula:
- (1) **Criteria for Requiring School Grounds Dedication:**
 - (a) **Requirement and Population Ratio:** The ultimate number of students to be generated by a subdivision or planned residential development shall bear directly upon the amount of land required to be dedicated for school grounds. The land dedication requirement shall be determined

by obtaining the ratio of: (i) estimated children to be served in each such school classification from the development over the (ii) maximum recommended number of students to be served in each such school classification as stated herein, and then applying such ratio to (iii) said minimum recommended number of useable acres for the school grounds of each such school classification as stated herein. The product thereof shall be acres of land deemed needed to have sufficient land for school grounds to serve the estimated increase in the number of children in each such school classification.

- (b) **School Classification and Size of School Grounds:** Classification and size of school grounds within the Village shall be determined in accordance with the following criteria:

School Type/ Grades	Maximum Number of Students for each such School Classification	Minimum Number of Useable Acres of Land for School Grounds for each such Classification
Elementary Schools, Grades K-5	600 students	11 acres
Junior High Schools, Grades 6-8	900 students	29 acres
High Schools, Grades 9-12	1,500 students	45 acres

- (c) **Location:** Standards adopted by the affected School District shall be used as a guideline in locating sites.

- (2) **Criteria for Requiring a Contribution in Lieu of School Grounds:** Where the development is small and the potential dedication of school grounds are too small to be practical or when the available land is inappropriate for school grounds, the Village shall require the applicant, builder, subdivider or developer to pay a cash contribution in lieu of the land dedication required. The cash contribution in lieu of school grounds shall be held in trust by the School District for use in the acquisition of land to serve the immediate or future needs of children from the subdivision or development or for site improvements, which include school buildings or other infrastructure necessitated and specifically and uniquely attributed to the development or subdivision in question.

(a) **Fair Market Value:** The cash contributions in lieu of land shall be based on the fair market value of the acres of land in the area improved in accordance with all applicable Village regulations for subdivision or planned residential developments that otherwise would have been dedicated as school grounds. It has been determined that the present fair market value of such improved land in and surrounding the Village is ~~NINETY-THOUSAND DOLLARS (\$90,000.00)~~ per acre and such figure shall be used in making any calculation herein unless changed by the President and Board of Trustees by a motion specifically referring to this Section (C) (2) (a), or unless a subdivider or a developer files a written objection thereto. In the event of any objection, the fair market value of such improved land shall be determined in the following manner:

- (i) At the sole cost of the developer, each of the following shall name an appraiser who shall make an appraisal of the fair market value of such acres of land on behalf of the Village – the Village President and Board of Trustees, the School District, and the Developer;
- (ii) All appraisers shall be MAI appraisers who shall issue bona fide appraisals of the fair market value of the land in question; and
- (iii) The final determination of the “fair market value” shall be the average of the two appraisals which give the highest land value.

(b) **Density Formula:** Section (C) (2) (c) establishes the population density formulae which are generally indicative of current and short-range projected trends in family size for new construction and shall be used in calculating the amount of required dedication of acres of land or cash contribution in lieu thereof unless a written objection is filed thereto by the subdivider or developer.

The School Districts shall submit to the President and Board of Trustees for their approval, not less than once every five (5) years, revised population density formulae. Upon their approval, the calculations in Section (C)(2)(c) shall be revised.

(c) **Contribution in Lieu of School Grounds and Density Formula**

School Type	Student Capacity	Acres	Acres/Student	Acreage Cost	Cost of Land/Student
Grades K-5	600	11	0.0183	\$90,000	\$1,647
Junior High (6-8)	900	29	0.0322	\$90,000	\$2,898
High School (9-12)	1,500	45	0.0300	\$90,000	\$2,700

Detached Single Family	Elementary Grades K-5	Junior High Grades 6-8	Total Grades K-8	High School Grades 9-12	Total \$ K-5	Total \$ 6-8	Total \$ Elementary District	Total \$ High School District	Total Fee
2 Bedroom	0.136	0.048	0.184	0.020	\$224	\$139	\$363	\$54	\$417
3 Bedroom	0.369	0.173	0.542	0.184	\$608	\$501	\$1,109	\$497	\$1,606
4 Bedroom (or more)	0.530	0.298	0.828	0.360	\$873	\$864	\$1,737	\$972	\$2,709
Attached Single Family	Elementary Grades K-5	Junior High Grades 6-8	Total Grades K-8	High School Grades 9-12	Total \$ K-5	Total \$ 6-8	Total \$ Elementary District	Total \$ High School District	Total Fee
2 Bedroom	0.088	0.048	0.136	0.038	\$145	\$139	\$284	\$103	\$387
3 Bedroom	0.234	0.058	0.292	0.059	\$385	\$168	\$553	\$159	\$712
4 Bedroom (or more)	0.322	0.154	0.476	0.173	\$530	\$446	\$976	\$467	\$1,443

- (3) **Criteria for Requiring Dedication and a Fee:** There will be situations in subdivisions or planned residential developments when a combination of land dedication and a contribution in lieu of land are both necessary. These occasions will arise when:

Only a portion of the land to be developed is proposed as the location for school grounds. That portion of the land within the subdivision falling within the school location shall be dedicated;

A major part of the school grounds has already been acquired and only a small portion of land is needed from the development to complete the grounds. The remaining portions shall be required by dedication, and a cash contribution in lieu thereof shall be required.

- (4) **Objections to Density Formula:** In the event an applicant, builder, subdivider, or developer files a written objection to the population density formulae listed herein, (s)he shall submit his/her own demographic study showing the estimated additional population to be generated from the subdivision or planned residential development and in that event final determination of the density formula to be used in such calculation shall be made by the Village Board of Trustees based upon such demographic information submitted by the subdivider or developer and from other sources which may be submitted to the Village Board of Trustees by the school district, or others. 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.
- (5) **Reservation of Additional Land:** Where the Comprehensive Plan of the Village calls for a larger amount of school grounds in a particular proposed subdivision or planned residential development than the developer is required

to dedicate, the land needed beyond the subdivider's or developer's contribution shall, if so determined by the Village Board of Trustees, be reserved for subsequent purchase by the Village or other public body designated by the Village provided that such acquisition is made within one year from the date of approval of the final plat.

- (6) **Topography and Grading:** The slope, topography and geology of the dedicated site as well as its surroundings must be suitable for its intended purposes. Grading on land dedicated for school grounds shall not differ greatly from surrounding land.
- (7) **Improved Sites:** All school grounds shall be dedicated in a condition ready for full service of electrical, water, sewer and streets as applicable to the location of the property, or acceptable provision made therefor. The sidewalks and trees normally included within the definition of improved grounds may be deleted due to the delay time between dedication of any such school grounds and construction of school facilities thereon.
- (8) **Title to Grounds:** All school grounds shall be conveyed either by warranty or trustee's deed for the benefit of the School District and conveyed directly to the School District. The subdivider or developer shall be responsible for conveying good, merchantable title to such grounds, and shall be responsible for payment of all real estate taxes to the date of conveyance, including any agricultural roll back taxes which might be extended or levied against such grounds for any tax years or periods prior to the time of conveyance.
- (9) **Use of Parcel:** When, in the opinion of the School District holding title to any parcel of land dedicated under this Section, any such parcel has become unnecessary or unsuitable or inconvenient, such parcel may be sold as provided by applicable statutory authority, and the proceeds shall be held in trust by said unit of local government, solely for such uses as are provided for in this Ordinance.
- (10) **Dedications and Payment of Cash Contributions:** All dedications shall be made at the time of final plat approval and all cash contributions required herein shall be made prior to the issuance of each building permit by the Village."

(II) "SECTION 155.095. DEDICATIONS.

(A) Areas required to be dedicated.

- (1) All new streets created by a subdivision and shown on plats submitted for approval and recording shall be dedicated outright to the public.

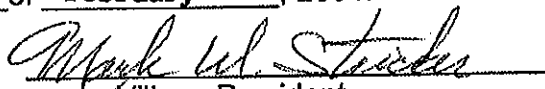
- (2) Additional street widths shall be dedicated along existing thoroughfares where a width greater than that existing is called for by the major street plan.
- (3) Pedestrian ways bisecting long blocks, or whatever else located, shall be dedicated.
- (4) Park and playfield sites: one acre per 80 dwelling units, with a minimum site size of one-half acre.
- (5) Fire, police, utility services: as required.
- (B) Identification of dedications. Areas to be dedicated shall be clearly identified on the plat as dedicated to the public."

Section 2. Repealer. All ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of such Ordinance shall not be affected thereby.

Section 4. Effective Date. This Ordinance shall be in full force and effect from and after its signing, passage, approval and publication in pamphlet form as provided by law.

SIGNED and APPROVED this 2nd of February, 2004.


 Village President

AYES: 6

NAYS: 0

ABSENT: 0

PASSED: February 2, 2004

RECORDED: February 2, 2004

PUBLISHED IN PAMPHLET FORM by

Authority of the Board of Trustees: February, 2004


 Village Clerk

(SEAL)