



2. Remove limitations on where park donations can be spent. The current code requires that 50% of a park cash donation either be spent within the subdivision, within the nearest park site, or to purchase land near the subdivision. The Park District agreed that this is no longer practical given the small size of park sites anticipated in future subdivisions and the limited availability of land for new or expanded park sites. (16.10.080.3)
3. Provide districts a 90 day period to respond to developer objections. For a developer objection to either the *per-acre land value* or the *subdivision population estimate*, the school and park districts would have 90 days to respond with their own appraisal or demographic study, or otherwise respond to the City. (This 90 days response time period would be listed in the code so that developers are aware of this early in the process and can plan accordingly). (16.10.090.2 & 16.10.110.B)
4. Regularly update the Per-Acre Land Value. The City and districts would cooperatively obtain a new per acre land value appraisal every 3 to 5 years, and determine whether it is appropriate to adjust the per acre land value, considering whether the value set by the city code is within the range of values set by other area municipalities, including those served by the park and school districts. (Having a record of a recent appraisal report will provide the City with a stronger basis to enforce the per acre value and may reduce interest in a developer objection.)(16.10.090.4)
5. Eliminate the Park Private Recreational Areas credit. Although this credit is common in other land-cash ordinances, it is rarely considered or granted, except for very unique situations. Listing this credit in the ordinance can be misleading to developers, as it implies that the credit will be considered in all situations. Removing the credit from the code would still allow a developer to request a reduction through the PUD process; however the onus would be on the developer to work with the Park District and obtain their support before requesting this credit from the City through a PUD. (16.10.180)

**Other changes proposed by City staff**

1. Update the approval process and conveyance procedures to match current practices.
2. Clarify that subdivisions involving existing lots and dwellings receive a land-cash fee credit (This impacts in-town re-subdivisions).
3. Clarify that institutional uses (nursing home and assisted living facilities) are not dwellings and therefore are not subject to the land-cash ordinance. (Additionally, the staff group discussed whether to codify a waiver of school fees for senior housing units, but concluded that given the variability between different types of senior residential units, it would be best to consider this on a case-by-case basis as a part of a developer objection to the subdivision population estimate.)
4. Miscellaneous related changes to update Chapter 16.02.

The ordinance amendments have been reviewed by the School and Park Districts. Letters of support are attached. Representatives will be in attendance at the meeting.

**Attachments (please list):**

Letters of support, Appraisal Report, Redlined ordinance draft of Chapter 16.10 and 16.02

**Recommendation/Suggested Action (briefly explain):**

Recommendation to approve amendments to the School-Park Land-Cash Ordinance (Title 16 of the St. Charles Municipal Code, “Subdivisions and Land Improvement”, Chapter 16.02 “General Provisions” and Chapter 16.10 “Dedications”).



**ST. CHARLES PARK DISTRICT**

101 South Second Street • St. Charles, IL 60174 • Ph: 630-584-1055 • Fax: 630-584-1396 • [stcparks.org](http://stcparks.org)

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January 10, 2018

Mr. Russell Colby  
Planning Division Manager  
City of St. Charles  
Community Development Department  
2 East Main Street  
St. Charles, IL 60174

RE: Land Cash Ordinance Revisions

Russel,

On behalf of the St. Charles Park District Board of Commissioners and staff, we thank you for the opportunity to have been included in the process for revising and updating the City's Land Cash Ordinance. The current draft of *16.10 Dedications*, dated December 11, 2017, was developed as a cooperative effort over many months and meetings between the Park District, the City of St. Charles and the School District. The Park District is supportive of the proposed changes.

Thank you for engaging the agencies impacted by this ordinance.

Sincerely,

Holly Cabel  
Director of Parks and Recreation  
St. Charles Park District



## Community Unit School District 303

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January 11, 2018

Mr. Russell Colby  
Planning Division Manager  
City of St. Charles  
Community Development Department  
2 East Main Street  
St. Charles, IL 60174

RE: Land Cash Ordinance Revisions

Mr. Colby,

On behalf of the District 303 Administration and Board of Education, we appreciate the opportunity to collaborate regarding the process for revising and updating the City's Land Cash Ordinance. The current draft of *16.10 Dedications* dated December 11, 2017 was developed as a cooperative effort over many months and meetings between the Park District, the City of St. Charles and the School District. District 303 supports the proposed changes.

Thank you for your continued partnership.

Sincerely,

Seth H. Chapman, Ed. D  
Assistant Superintendent of Business Services / CFO  
St. Charles Community Unit District 303

"Empowering and Inspiring ALL"

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John S. Orin, MAI, AI-GRS

Clarence A. Bruckner, MAI, CRE  
1931-1992

July 18, 2017

Mr. Mark Koenen  
City Administrator  
And  
Ms. Rita Tungare  
Director of Community and Economic Development  
City of St. Charles  
2 East Main Street  
St. Charles, IL 60174-1984

Dear Mr. Koenen and Ms. Tungare:

Pursuant to your request, an appraisal service has been prepared for the City of St. Charles to determine appropriate compensation for contribution for school and park land in accordance with the St. Charles Municipal Code 16.10. The purpose of this appraisal is to provide an opinion of value per acre for use by the City of St. Charles and is prepared for the exclusive use of the City. The report is prepared in conformance with the Uniform Standards of Professional Practice Standard 2.2 (A) as an appraisal report as a single value is provided in this report. Mr. Mark Koenen, City Administrator of the City of St. Charles ordered this report. The effective date of my opinion of value is the same as the date of this appraisal report of July 18, 2017.

Though there is not a single identifiable parcel of land under valuation, the value per acre contained herein is for a parcel of land in the jurisdiction of the city having the following characteristics:

1. The site is regular in shape facilitating maintenance and optimum opportunity for recreational use
2. Not located on a major road
3. Not subject to frequent flooding
4. Have soil and topographic conditions suitable to accommodate parking areas, play fields, tennis courts, playground equipment or other recreational facilities, and a school building
5. Be located in the approximate center of the residential area served whenever possible
6. Not include storm water retention or detention except those provided to serve the school site

Additionally the site should be

- A. In compliance with all environmental laws

- B. Have an adequate slope
- C. Have appropriate sanitary sewer, storm sewer, electric gas and telephone available.
- D. Have sidewalks along street frontage

The zoning requirement is not stated in the city code but most of the park and school parcels are located in residential neighborhoods. It is an assumption of this report the zoning of a parcel for school or park dedication be zoned for single family residential use.

Following is a summary of information regarding this assignment.

### **SUMMARY OF SALIENT FACTS**

LOCATION:	The subject property is located within the jurisdictional boundary of the City of St. Charles, Illinois.
ASSIGNMENT:	Provide my opinion of the appropriate compensation for contribution for school and park land in accordance with the St. Charles Municipal Code 16.10.
FUNCTION:	This report will be used by the City of St. Charles in determining appropriate compensation for contribution for school and park land.
INTENDED USE:	The City of St. Charles will use the conclusion of value in determining just compensation for contribution for school and park land.
INTENDED USERS: OTHER INTENDED USERS:	The intended user of this report is the City of St. Charles.  None
OWNER:	The land will be owned by a developer to contribute cash versus land for school and/or park use
CLIENT:	City of St. Charles
DATE VALUE:	July 18, 2017
OWNERSHIP INTEREST:	Fee Simple Estate
EXPOSURE TIME:	Nine to twelve months
MARKETING TIME:	Nine to twelve months

#### **PROPERTY DATA**

SITE AREA:	Assumed a minimum of 5 acres
FLOOD ZONE RATING:	Assumed to be outside of the 100 and 500 year flood plain
EASEMENTS:	Assumed typical utility easements
ZONING:	Assumed single family residential
NEIGHBORHOOD:	Residential
HIGHEST AND BEST USE: VACANT:	Residential
SITE CHARACTERISTICS:	Assumed to be a site in compliance with all environmental laws with a regular functional shape, have no retention/detention or environmental hazard, have adequate slope, have adequate utilities, have sidewalks, and be located within a residential area.

VALUE CONCLUSION: An appropriate allocation for school and park site in conformance with the City of St. Charles, IL. Municipal Code 16.10 is \$292,500 per acre.

**Hypothetical Condition:** This report does not address an individual parcel of land but a hypothetical parcel complying with requirements for school and park land contribution in accordance with the City of St. Charles Illinois Municipal Code 16.10 and as such the subject is a hypothetical parcel of land assumed to conform to the requirements as set forth within this report. **If found to be false, use of a hypothetical condition may impact the value conclusion of this report.**

### **MARKET ANALYSIS**

The subject property is located in St. Charles, Kane County. The major market in which the subject is located includes primarily the cities of St. Charles and Geneva and to a lesser extent, the city of Batavia. Following are statistics regarding lot sales and detached single family home sales identified by the local MLS for the immediate market.

Lot Sales 2007- Thru YTD 2017

YEAR	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	YTD 2017
<b>St. Charles</b>											
<b>PRICE RANGE</b>											
LOW	\$80,000	\$50,000	\$85,000	\$30,000	\$23,000	\$15,000	\$6,500	\$15,000	\$15,000	\$17,000	\$23,000
HIGH	\$673,000	\$746,000	\$365,000	\$450,000	\$2,070,000	\$1,204,000	\$260,000	\$325,000	\$2,283,000	\$400,000	\$1,032,650
AVERAGE	\$302,156	\$235,375	\$168,836	\$157,900	\$257,893	\$120,218	\$90,632	\$103,240	\$297,537	\$140,079	\$128,214
CLOSED LISTINGS	\$16	12	7	10	14	27	36	30	23	19	14
AVG. MKTG.TIME (days)	82	371	402	220	466	573	575	459	677	446	708
<b>GENEVA</b>											
LOW	\$100,000	\$375,000	\$134,900	\$100,000	\$55,000	\$35,000	\$110,000	\$45,000	\$45,000	\$75,000	\$502,875
HIGH	\$155,000	\$375,000	\$134,900	\$119,900	\$170,000	\$250,000	\$200,000	\$450,000	\$155,000	\$407,000	\$502,875
AVERAGE	\$135,000	\$375,000	\$134,900	\$109,950	\$112,500	\$142,500	\$138,833	\$150,167	\$73,083	\$188,500	\$502,875
CLOSED LISTINGS	3	1	1	2	2	2	6	9	6	3	1
AVG. MKTG.TIME (days)	228	366	693	449	154	111	1100	441	857	972	64
<b>BATAVIA</b>											
LOW	\$124,000	\$47,000	\$70,000	\$125,000	\$71,000	\$50,000	\$46,000	\$42,500	\$20,000	\$60,000	\$96,000
HIGH	\$440,000	\$550,000	\$300,000	\$125,000	\$145,000	\$300,000	\$287,500	\$315,000	\$120,000	\$355,000	\$275,000
AVERAGE	\$223,125	\$182,745	\$154,333	\$125,000	\$108,000	\$145,000	\$132,833	\$127,167	\$97,286	\$148,583	\$163,667
CLOSED LISTINGS	4	5	6	1	2	4	12	12	7	6	3
AVG. MKTG.TIME (days)	43	170	378	125	192	545	472	825	353	513	1,107

## Detached Single Family Sales

YEAR	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	YTD 2017
<b>ST. CHARLES</b>											
PRICE RANGE											
LOW	\$115,000	\$90,000	\$66,127	\$60,000	\$34,000	\$6,650	\$30,000	\$35,000	\$50,000	\$60,000	\$30,000
HIGH	\$2,400,000	\$2,200,000	\$2,150,000	\$2,860,000	\$3,100,000	\$1,900,000	\$1,970,000	\$2,400,000	\$2,830,000	\$2,300,000	\$1,500,000
AVERAGE	\$468,673	\$467,220	\$384,238	\$371,821	\$370,493	\$337,588	\$352,830	\$370,643	\$363,504	\$369,812	\$371,548
CLOSED LISTINGS	576	438	395	434	500	578	780	704	800	803	470
AVG. MKTG.TIME (days)	167	190	241	182	211	176	139	117	122	122	108
<b>GENEVA</b>											
LOW	\$141,000	\$111,000	\$84,000	\$125,000	\$50,000	\$54,100	\$56,500	\$110,000	\$80,000	\$135,000	\$124,000
HIGH	\$1,555,000	\$1,450,000	\$2,708,754	\$1,175,000	\$1,125,000	\$850,000	\$1,075,000	\$1,800,000	\$1,135,000	\$1,070,000	\$850,000
AVERAGE	\$388,261	\$381,100	\$353,591	\$346,432	\$304,663	\$317,343	\$332,200	\$346,099	\$358,908	\$353,340	\$381,915
CLOSED LISTINGS	337	263	259	288	278	357	446	404	431	481	272
AVG. MKTG.TIME (days)	143	160	194	151	165	155	98	98	97	87	114
<b>BATAVIA</b>											
LOW	\$101,000	\$96,000	\$46,900	\$47,500	\$36,099	\$30,500	\$52,299	\$41,000	\$40,000	\$53,000	\$32,694
HIGH	\$1,250,000	\$799,900	\$825,000	\$868,162	\$1,250,000	\$950,000	\$1,404,000	\$972,500	\$900,000	\$950,000	\$780,000
AVERAGE	\$355,233	\$329,854	\$313,481	\$290,507	\$275,712	\$267,587	\$282,831	\$286,078	\$303,141	\$312,075	\$319,031
CLOSED LISTINGS	255	185	181	197	242	251	338	316	330	369	205
AVG. MKTG.TIME (days)	142	165	225	170	172	171	103	100	112	79	90

All of the communities in the immediate market are impacted by the recession with property values and sale velocity bottoming in the years following 2007. Sale velocity and pricing increased in 2013 and continue to do so into 2017. Sales and pricing are back to pre-recessionary levels in St. Charles and the surrounding competitive markets with pent up demand reflected in increased velocity and shorter marketing times.

Development is beginning to see a comeback with the number of building permits. Permits totaled 404 for 2005 when the impact of the recession started to hit in 2006 and the number of permits decreased to less than 5 percent of the pre-recession levels by 2009. While permits increased over 900% from the low, they are still less than 50% of the number of permits in 2005.

Summary of Building Permit Data

	Geneva	St. Charles	Batavia	Total
2005	211	90	103	404
2006	108	64	51	223
2007	31	30	25	86
2008	4	14	12	30
2009	6	6	3	15
2010	5	8	5	18
2011	4	10	6	20
2012	9	18	11	38
2013	12	37	7	56
2014	20	23	22	65
2015	76	29	16	121
2016	83	39	16	138
2017 Through 4/1	6	2	1	9

Note: US Census Bureau stopped publishing permit data after 4/17

The slow rate of growth resulted in a decrease in property value for vacant land. One example is a sale of lot 15 along Crissey Avenue, Geneva. This lot sold in 2006 for \$499,000, was foreclosed, and purchased by the original seller for \$165,000 in February, 2013. This trend is being reversed and pricing is more reflective of pre-recession levels. Brokers active in this market still indicate the continued disconnect between asking prices between land owners desirous of pre-recession pricing and home developers who understand that while prices of materials have increased, end-product pricing are just getting back to pre-recession levels. The variable is land price, which has begun to reach pre-recession levels.

**EXPOSURE**

According to the Uniform Standards of Professional Appraisal Practice as established by the Appraisal Foundation, exposure time is defined as:

“The estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal; a retrospective estimate

based upon an analysis of past events assuming a competitive and open market.”

Inherent in the estimate of value for the subject is an exposure of nine to twelve months. I have also used a marketing time of nine to twelve months.

## **HIGHEST AND BEST USE**

The Dictionary of Real Estate Appraisal as published by The Appraisal Institute is:

"The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum profitability."

According to the Twelfth Edition of The Appraisal of Real Estate, the criteria of the Highest and Best Use Analysis are as follows:

"The highest and best use of both land as though vacant and property as improved, must meet four criteria. The highest and best use must be (1) physically possible, (2) legally permissible, (3) financially feasible, and (4) maximally productive. These criteria are usually considered sequentially; a use may be financially feasible, but this is irrelevant if it is physically impossible or legally prohibited. Only when there is a reasonable possibility that one of the prior, unacceptable conditions can be changed is it appropriate to proceed with the analysis. If, for example, current zoning does not permit a potential highest and best use, but there is a possibility that the zoning can be changed, the proposed use can be considered on that basis."

Land as if Vacant

This report is to provide an opinion of a land parcel for school and park land contribution with similar parcels located in residential rather than industrial, office, or industrial settings. It is an assumption of this report that the highest and best use of the subject property is for residential development.

## **THE APPRAISAL PROCESS**

The valuation part of the appraisal process is a series of approaches used as a guide in arriving at a final estimate of market value known as the cost, sales comparison and income approaches to value. The subject property is a hypothetical parcel of land and typically the sales comparison approach is used to value vacant parcels. The cost and income approaches are not reliable or applicable in the valuation of vacant parcels.

## **CASH EQUIVALENT**

Cash equivalent is defined within The Dictionary of Real Estate Appraisal, Fifth Edition, as:

“A price expressed in terms of cash, as distinguished from a price expressed totally or partly in terms of the face amounts of notes or other securities that cannot be sold at their face amounts.”

Within the body of this report, all comparable sales and the property under appraisal have their respective values stated in cash equivalent terms. Several methods may be used to provide a cash equivalent term. I have chosen the following basic method of cash equivalent calculation:

Present value of the contract mortgage balance at the end of the projected contract mortgage period at the market interest rate.  
Plus  
The present value of the estimated periodic contract payments at the market interest rate for the anticipated holding period.  
Plus Equity  
Equals  
Cash Equivalent Sales Price

The cash equivalent sales price is then compared to the contract sales price. If necessary, all units of comparison, including; sales price per square foot, sales price per unit, gross income multiplier, and/or overall capitalization rates, will be calculated from the cash equivalent sales price.

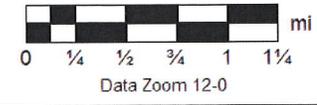
## **SALES COMPARISON APPROACH**

The sales approach, traditionally, is an appraisal procedure in which the market value is based upon prices paid in actual market transactions. It is a process of analyzing sales of similar recently sold properties in order to arrive at an indication of the most provable sales price of the appraised property. The primary search for comparable sale data included industrial properties from within the immediate market of the subject as well as nearby areas. A summary of this data is included on the following pages

# LAND SALE MAP




  
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**AERIALS OF COMPARABLE LAND SALES**



**Land Sale 1:** N Side Bricher at Camden, St. Charles, IL



**Land Sale 4:** 418 N. 1<sup>st</sup> Street, Geneva, IL



**Land Sale 2:** Lot 8 Corporate Reserve, St. Charles, IL



**Land Sale 5:** Lot 15 Crissey Avenue, Geneva, IL



**Land Sale 3:** 1<sup>st</sup> Street @ Western Avenue, Geneva, IL

### Comparable Building Sale Data

Comparable Location	1	2	3	4	5
Location	North side Bricher Rd @ Camden St St. Charles	Lot 8 in Corporate Reserve St. Charles	South street @ Western Ave. Geneva	418 N First Street Geneva	Lot 15 Crissey Ave Geneva
	Part of 09-32-400-028 now 09-32-451-001	09-29-326-001	12-04-476-008, -033, -034, -035, and -070	12-03-276-004, -009, -012	12-02-357-006
Date of Sale	Jun-17	Mar-17	Aug-16	Feb-15	Feb-13
Sale Price	\$3,929,040	\$2,613,000	\$2,338,700	\$635,000	\$165,000
Sale Terms	Conventional	Foreclosure	Conventional	Conventional	Foreclosure
Grantor	Todd L. Dempsey Decl. of Trust	Pinewood Capital	Richard Cooper, Kevin Milford, et al	Leslie Schambach	BCB Development
Grantee	Prairie Winds, LLC	CalAtlantic, Inc.	Havlicek Builders, Inc.	Oak Creek Capital Partners	John Kefer
Confirmation	James Saloga	Document 2017K011505	Tony Gange	John McHale	Jay Rodgers
Site Area Sq. Ft. (net of roadway & storm detention/retention)	767,809	985,719	326,445	39,204	40,500
Net Site Size (acres)	17.63	22.63	7.49	0.90	0.93
Sale Price/Acre	\$222,905.67	\$115,471.30	\$312,070.25	\$705,555.56	\$177,466.67
Zoning	Regional Business	Residential	Residential	Residential	Residential
Intended Use	250 unit multiple family residential	78 lot single family	Residential	Town home	Investment for future development
Utilities	Water, electric, gas to the site, sanitary extended from Rt. 38	To the site	To the site	To the site	To the site
Shape	Generally rectangular	Irregular	Irregular U shape	Parcels were irregular in this transaction	100 x 405 narrow site with approx. 3,000 sf in 100 year flood plain
Comments	Purchased for multiple family housing known as Prairie Winds, gross site area of 892,834 sq. ft. 124,725 sq. ft. in storm water detention	Fully developed irregularly shape parcel part of PUD allowing office, commercial, and residential uses, site has off site storm water management	Gross site area of 388,143 sf includes 20,303 sf of dedicated South St. roadway and 41,395 sf of storm water detention/retention, land purchased for Cooper Woods just west of golf course	Last sale of assemblage for 30 unit town home development, adjacent to park and cemetery fronts Rt. 31 other parcels assembled from 2008 thru 2014	Part wooded, purchaser is adjacent property owner who sold this lot for \$499K in 6/2006 to a developer, site has frontage along Fox River

The comparable sales chosen for this analysis are vacant parcels purchased for residential development located within the community of Geneva or St. Charles. The site area for each comparable is net of roadway and storm water management areas but not flood plain and an additional adjustment is made for flood plain. A comparison of each sale to the subject is made with qualitative adjustments made to reflect the subject.

**Land Sale One:** The first land sale received an upward adjustment for a slightly irregular shape, and upward for size.

**Land Sale Two:** The second comparable is adjusted upward for sales conditions as it is a foreclosure transaction and upward for larger size.

**Land Sale Three:** Sale 3 is adjusted upward for its irregular shape. It borders the Geneva Golf Club offering premium views but also is across from industrial property with an active rail road approximately 800 feet south. Four of the lots in this development benefit from a superior view with two lots impacted from the industrial building and rail road and this property is receiving an overall downward adjustment for the greater impact from superior view.

**Land Sale Four:** The fourth comparable is adjusted downward reflecting the impact of an assemblage, upward for its irregular shape, downward for its small size, and downward for its park and cemetery view although this adjustment was somewhat limited reflecting the impact of Route 31 frontage.

**Land Sale Five:** Comparable 5 is a foreclosure and adjusted upward for sales conditions, upward for its less functional shape, downward for its smaller size, downward for superior river view, upward for its inferior slope, and upward for impact of flood plain.

Following is a chart illustrating the adjustments made to each comparable.

Adjustment Chart

Comparable	1	2	3	4	5
Sales Price/Acre.	\$222,906	\$115,471	\$312,070	\$705,556	\$177,467
Conditions of Sale	=	+++	=	--	+++
Date of Sale	=	=	=	=	=
Location	=	=	=	=	=
Shape	+	=	+	+	+
Utilities	=	=	=	=	=
Size	+	++	=	--	--
View	=	=	-	-	-
Slope	=	=	=	=	+
Flood Plain/Retention	=	=	=	=	+
No. Upward Adj.	2	5	1	1	6
No. Downward Adj.	0	0	1	5	3
Net Adjustment	+2	+5	=	-4	+3

The sale data supports significant downward adjustment to Sale 4 with upward adjustment to Sales 1, 2, and 5; and similar to Sale 3. Sale data supports a value near Comparable 3 with greatest weight provided this transaction and supported by Sale 1. Sales 1 and 3 are also the most recent transactions and meets most of the requirements for a land contribution to the school and park districts with the exception of their shape size and view for which adjustments are made. The probable value range of the subject is between \$275,000 and \$310,000 per acre.

Based upon the above analysis, it is my opinion the appropriate compensation for school and park land in accordance with the St. Charles Municipal Code is equal to \$292,500 per acre.

### **ANALYSIS AND CORRELATION**

A summary of the indications of value produced the indication of appropriate compensation per acre for school and park land in accordance with the St. Charles Municipal Code is as follows.

Approach to Value	
Cost	Not applicable
Sales Comparison	\$292,500
Income	Not Applicable

Three approaches are considered in this report with the cost and income approaches not applicable in the valuation of vacant land and not utilized. Only the Sales Comparison approach is used to provide the basis for an opinion of appropriate compensation. Based on this analysis, it is my opinion that the current appropriate compensation for contribution for school and park land in accordance with the St. Charles Municipal Code 16.10 effective as of the date of this report or July 18, 2017 is \$292,500.

## CERTIFICATE

I certify that, to the best of my knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analysis, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and is our personal unbiased professional analysis, opinions, and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved.
4. My compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.
5. The completion of this appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.
6. My analyses, opinions, and conclusions were developed, and this report has been prepared in conformity with the requirements of the Code of Professional Ethics and the Standards of Professional Practice of the Appraisal Institute.
7. My analyses, opinions, and conclusions were developed, and this report has been prepared in conformity with the requirements of the Uniform Standards of Professional Appraisal Practice.
8. I do not authorize the out-of-content quoting from or partial repeating of this Appraisal Report. Furthermore, neither all nor any part of this appraisal report shall be disseminated to the general public by the use of media for public communications without the prior written consent of the appraiser signing this appraisal report.
9. As of the date of this report, John S. Orin has completed the requirements under the continuing education program of the Appraisal Institute.
10. John S. Orin has not made a personal inspection of the property that is the subject of this report as there is no specific property to be valued but a general value of vacant acreage fulfilling the requirement for a school or park site.
11. No other person has provided significant professional assistance in the preparation of this appraisal report other than those signing said report.
12. I certify that the use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

13. I certify that I have not prepared an appraisal or prepared and appraisal related report on the subject matter of this report within the previous three years.
14. Based on the information contained in this report, it is my opinion that the appropriate compensation for contribution for school and park land in accordance with the St. Charles Municipal Code 16.10 is \$292,500.

A handwritten signature in black ink, appearing to read "John S. Orin". The signature is fluid and cursive, with a prominent initial "J" and a final flourish.

John S. Orin, MAI, AI-GRS  
State of Illinois Certified Real Estate  
Appraiser, License No. 553-000123

## **LIMITING CONDITIONS**

This report is made expressly subject to the conditions and stipulations following:

1. This report addresses the probable value of a parcel of land suitable for school or park land in accordance with the City of St. Charles, IL Municipal Code and is not an appraisal of a specific parcel. This report assumes good title, responsible ownership, competent management, and the property has been analyzed as though free of indebtedness unless otherwise stated.
2. Except as noted, this analysis assumes the land to be free of adverse soil conditions which would prohibit the development of the property to its highest and best use, including sub-surface or hazardous waste conditions.
3. Disclosure of the contents of this report is governed by the Bylaws and Regulations of the Appraisal Institute. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the analyst or the firm with which he is connected, and any reference to the Appraisal Institute or to the MAI designation) shall be disseminated to the public through the advertising media, public relations media, news media, sales media, or any other public means of communication without prior written consent and approval of the analyst.
4. This appraisal report is subject to peer review in accordance with the Uniform Standards of Appraisal Practice of the Appraisal Institute as promulgated by the Appraisal Standards Board of the Appraisal Foundation.
5. This report assumes compliance with all environmental laws and restrictions.
6. Unless otherwise stated in this report, the existence of hazardous substances, including but without limitation to: asbestos, polychlorinated biphenyls, petroleum leakage, or agricultural chemicals are assumed to not be present in a land contribution. The value estimated is predicated on the assumption that there is no such condition on or in the property or in such proximity thereto that it would cause a loss in value.
7. This report shall be used only in its entirety and no part shall be used in conjunction with any other study, and is invalid if so used.
8. Employment to make this study does not require testimony in court, unless mutual satisfactory arrangements are made in advance.
9. By acceptance of this report, you acknowledge that a value opinion is the product of a professionally trained mind, but nevertheless is an opinion only and not a provable fact. As the value estimate is a personal opinion, valuation may vary between appraisers based on the same facts.

10. C.A. Bruckner & Associates, L.L.C., Real Estate Appraisers and Consultants, and the appraisers, warrant only that the value conclusion is their best opinion estimate based on the market data and market conditions presented in the body of this report, as of the exact day of valuation.
11. This valuation estimate is based upon the purpose of the appraisal and function of the report and is intended for the users as set forth herein. Therefore, the value reported is only applicable to the property rights appraised. This appraisal report should not be used for any other function or by others than those intended.
12. Possession of this report, or a copy thereof, does not imply right of reproduction nor use for any purpose by any other than the client to whom it is addressed, without written consent of the author.
13. The liability of C. A. Bruckner & Associates, L.L.C. and its employees are limited to the client, its legal counsels, the courts and its participants. No other third parties may rely upon this appraisal for any purpose whatsoever, including the provision of financing for the acquisition or improvement of the subject. This appraisal was prepared specifically for the client to whom it is addressed, its legal counsels, and the courts and its participants. Third parties who desire my services to prepare an appraisal of the subject for their use should contact us and I will obtain the proper permission from my client. I do reserve the right to limit any and all third party clients.

**Extra Ordinary and Hypothetical Assumptions and Conditions: If found to be false, the use of an extra ordinary assumption may impact the conclusions of this report**

14. This report does not address an individual parcel of land but a hypothetical parcel complying with requirements for school and park land contribution in accordance with the City of St. Charles Illinois Municipal Code and as such the parcel is a hypothetical parcel of land assumed to conform to the requirements as set forth within this report. If found to be false, use of a hypothetical condition may impact the value conclusion of this report.

## **QUALIFICATIONS OF JOHN S. ORIN, MAI, AI-GRS**

### **LICENSE:**

State of Illinois State Certified Real Estate Appraiser  
License Number 553.000123, expires September 30, 2017

### **EDUCATION:**

Attended Eastern Illinois University in Charleston, receiving a  
Bachelor of Science Degree in Medical Technology.

Real Estate and Appraisal Courses taken:

Course 101: An Introduction to Appraising Real Property

Course 102: Applied Residential Appraisal

Course 201: Principles of Income Property Appraising Given by the Society  
of Real Estate Appraisers.

Course 202: Applied Income Property Appraisal

Seminars Attended Include the Following:

Adjustments for Creative Financing

Hazardous Materials for Appraisal Professionals

Advanced Techniques in Investment Feasibility

Standards of Professional Practice

Hotel/Motel Valuation

Advanced Topics in Project Analysis

Condition of the Chicago Real Estate Market, 1992

Appraisal Institute Symposium (1993)

Understanding Limited Appraisals and Reporting Options

Fair Lending and the Appraiser

Highest and Best Use Applications

Business Valuation Parts I and II

Appraising nursing/corporate care facilities

Special Purpose - The challenge of real estate appraising in limited markets

Highest and Best Uses Applications

Litigation and Valuation Overview

New Industrial Valuation

Standards of Professional Practice Part C

## EXPERIENCE:

Appraiser, C. A. Bruckner & Associates, Inc., Real Estate Appraisers and Consultants, 1980 - To Present Date and which is now known as C. A. Bruckner & Associates, L.L.C. Former Chairman - Kane County Board of Review 1995 - 2010

Types of properties appraised include - Residential, Residential Subdivisions, Commercial, Office, Industrial, Condominiums, and Special Purpose. Special purpose properties appraised include golf courses, health clubs, nursing homes, horse stables, mini-warehouses, restaurants, funeral homes, medical office buildings, hospitals, medical clinics and auto agencies. Has also counseled and performed highest and best use studies.

## PROFESSIONAL MEMBERSHIP

Member, Appraisal Institute, MAI Member Number 09354

Registered Medical Technologist by the American Society of Clinical Pathologists

Major assignments recently completed include the White Oak Business Centre and Farnsworth International Business Park in Aurora, Illinois, the luxury apartment complex known as 100 Forest Place in Oak Park, Illinois, the Chicagoland Headquarters for Temple Steel in Niles, Illinois, Ruffled Feathers Golf Course, Hopedale Medical Centre and sixteen major industrial properties located in Logan County, Illinois, for the Supervisor of Assessments going concern value of 13 fast food franchises.

## PARTIAL LIST OF CLIENTELE

American Land Development Corporation  
American National Bank  
Arthur Andersen & Company  
AMCORE Bank  
Baird and Warner  
Bank One  
Benchmark Bank  
Cook County State's Attorney  
City of Chicago  
DuPage County Board of Review  
Fifth/Third Bank  
First of America Bank  
Federal National Mortgage Association  
Federal Savings & Loan Insurance Corporation  
First National Bank of Chicago  
General Motors, Credit Corporation  
Harris Trust and Savings Bank

Harris Bank of Naperville  
Healthcorp Affiliates  
LaSalle National Bank  
Logan County Supervisor of Assessments  
Manufacturers Hanover Trust Company  
Mid America Federal Savings & Financial Services  
Northern Trust Bank  
Old Second National Bank of Aurora  
South Shore Bank  
St. Francis Bank  
The Private Bank  
Numerous attorneys, businesses and individuals

OTHER

Testified before the Board of Review in DuPage and Logan Counties, before the State of Illinois Property Tax Appeal Board, represented petitioners in local zoning hearings, and have counseled parties involved in condemnation, as well as possible acquisition.

Accepted as an expert witness in the Northern District of Illinois.

**ADDENDA A**

State License  
Engagement

# State of Illinois

Department of Financial and Professional Regulation  
Division of Real Estate

LICENSE NO.  
**553.000123**

The person, firm or corporation whose name appears on this certificate has complied with the provisions of the Illinois Statutes and/or rules and regulations and is hereby authorized to engage in the activity as indicated below.

EXPIRES:  
**09/30/2017**

**CERTIFIED  
GENERAL REAL ESTATE APPRAISER**

**JOHN S ORIN  
C A BRUCKNER AND ASSOC LLC  
436 LAKE STREET  
AURORA, IL 60506**



*Bryan A. Schneider*

BRYAN A. SCHNEIDER  
SECRETARY

The official status of this license can be verified at [www.idfpr.com](http://www.idfpr.com)

9942391

*C.A. Bruckner & Associates, L.L.C.*

*Valuation Consultants*

370 L.R.A. Drive • Aurora, IL 60506 • (630) 892-4949 • Fax: (630) 892-4950  
E mail: [john.orin@cabruckner.com](mailto:john.orin@cabruckner.com)

John S. Orin, MAI, AI-GRS

Clarence A. Bruckner, MAI, CRE  
1931-1992

July 7, 2017

Mark Koenen  
City Administrator  
2 E. Main Street  
St. Charles, IL 60174-1984  
[mkoenen@stcharlesil.gov](mailto:mkoenen@stcharlesil.gov)

and

Rita Tungare  
Director of Community and Economic Development  
2 E. Main Street  
St. Charles, IL 60174-1984  
[rtungare@stcharlesil.gov](mailto:rtungare@stcharlesil.gov)

Dear Mr. Koenen and Ms. Tungare,

It is a pleasure to be able to serve the City of St. Charles with a real estate study determining appropriate compensation for contribution for school and park land in accordance with the St. Charles Municipal Code 16.10.090. The purpose of this real estate study is to establish value per acre for use by the city. My fee for providing this study is \$1,750 with a time frame of approximately 3 weeks to complete the assignment.

One PDF copy will be supplied to you. Please sign below if you are in agreement with these terms.

Regards,



John S. Orin, MAI  
C. A. Bruckner and Associates, L.L.C.

Name Mark Koenen Date 07-13-17

1

*C.A. Bruckner & Assoc. L.L.C.*

C

*C.A. Bruckner & Assoc. L.L.C.*



ST. CHARLES  
SINCE 1833

July 7, 2017

Jason Pearson, Superintendent, PhD  
CUSD # 303  
201 South 7<sup>th</sup> Street  
St. Charles, IL 60174

Holly Cabel, Director  
St. Charles Park District  
101 S. Second Street  
St. Charles, IL 60174

RE: St. Charles Land/Cash Ordinance

LETTER OF UNDERSTANDING

Dear Jason and Holly:

This is to confirm the understanding between the City of St. Charles, St. Charles School District 303 and the St. Charles Park District with respect to payment for an appraisal relative to the anticipated revisions to the St. Charles Land/Cash Ordinance. The undersigned agreed to equally pay 1/3 the amount of the appraisal to be prepared by **C. A. Bruckner and Associates** in the amount of \$1750. Payments should be made to the City of St. Charles pursuant to our invoicing your office. Please return a copy of this Letter of Understanding at your earliest convenience

Very truly yours,

Mark Koenen,  
City Administrator

St. Charles School District 303

By:

St. Charles Park District

By:

cc: Seth Chapman, PhD  
Laura Rudow  
Rita Tungare

RAYMOND P. ROGINA *Mayor*  
MARK KOENEN, P.E. *City Administrator*

# Land Cash Ordinance Draft Redline

## 12/11/17 revisions to the land cash ordinance

School and Park District changes are in blue.

City changes are in red.

Substantive changes have comments explaining the change.

Minor corrections or reformatting changes have been accepted in this draft and do not appear as redline.

## 16.10- Dedications

### Sections

- 16.10.010 - Applicability
- 16.10.020- Amendments to preliminary plan
- 16.10.030- Indemnification of City required by school and park district
- 16.10.040- Payment- Expenses
- 16.10.050 - Dedication of park lands and school sites, or contribution of fees in lieu thereof required
- 16.10.060 - Requirements for park land dedications
- 16.10.070 - Requirements for school site dedication
- 16.10.080 - Criteria for requiring a cash contribution in lieu of park and school land
- 16.10.090- Amount of cash contribution
- 16.10.100 - Criteria for requiring land and cash
- 16.10.110 - Calculation of estimated population
- 16.10.120 - Reservation of land
- 16.10.130- Condition of park and school sites
- 16.10.140 - Time of conveyance
- 16.10.150 - Payment of general real estate taxes and agricultural rollback taxes
- 16.10.160- Real estate conveyance requirements
- 16.10.170- Sale of public land
- 16.10.180 - Private recreational areas in lieu of dedicated park land

## 16.10 - Dedications

### 16.10.010- Applicability [1]

If any subdivision subject to the terms hereof is located outside of the corporate limits of the City of St. Charles, Illinois, and if the county in which the property is located has an ordinance which is more restrictive, or which would require a greater dedication or contribution than this chapter, as determined by the City, the ordinance of the county in which the property is located shall prevail where inconsistent with the less restrictive provisions hereof.

### 16.10.020- Amendments to preliminary plan [2]

When a preliminary plan of a subdivision is amended, the required contribution of land or cash shall be recalculated for that portion of the subdivision which is amended, based on the estimated ultimate population thereof.

### 16.10.030- Indemnification of City required by school and park district [3]

By their acceptance of land or cash, or both, pursuant to the provisions hereof, the School District and the Park District as the case may be shall indemnify the City against any loss, cost or expense, including reasonable attorney's fees, arising out of, or on account of, any land or payments designated for said School District or Park District under the provisions of this chapter. Prior to the actual transfer of land or funds, the School District and the Park District each shall make the foregoing indemnity to the City in writing.

### 16.10.040 - Payment- Expense [4]

By acceptance of land or cash, or both, pursuant to the provisions hereof, the School District or Park District as the case may be shall reimburse the City for all costs and expenses it incurs in connection with obtaining the land or cash required by this chapter. Payment of said amount shall be made to the City within 30 days of the park or School District's a) receipt of the land or cash as provided herein, or b) the receipt of an invoice from the City, whichever occurs later.

### 16.10.050- Dedication of park lands and school sites, or contribution of fees in lieu thereof required [5]

~~As a condition of approval of a final plat of subdivision, the Subdivider shall dedicate land for park purposes, and for school sites, on the Final Plat of Subdivision, or shall agree, in writing, to~~ contribute cash in lieu of actual land dedications, or a combination of both at the option of the City, and School District or Park District, as applicable, in accordance with the requirements hereof.

### 16.10.060 - Requirements for park land dedications [6]

#### 1. Calculation of Requirement

The estimated ultimate population of a proposed subdivision shall bear directly upon the amount of land required to be dedicated for park purposes. The minimum requirement shall

## 16.10 - Dedications

be ten (10) acres of land per one thousand (1,000) of ultimate population in accordance with the standards hereinafter set forth.

### 2. Park Site Size and Location Standards

Types of Park Sites	Minimum Desirable Site Area	Minimum Acreage per 1,000
Mini-Parks	1.0 acre	0.5 acres
Neighborhood Parks	5.0 to 10.0 acres	2.0 acres
Community Parks	25 acres or more	7.5 acres
	TOTAL	10.0 acres

The size, location and shape of the park land to be dedicated shall be subject to the approval of the City Council as part of the preliminary plan. Prior to City Council approval of the preliminary plan, the City shall have received a ~~resolution of letter from~~ the Park District ~~governing~~ board approving the location and acreage of any park land to be dedicated. The suitability of land to be dedicated for park sites shall be evaluated by the plan commission and City Council according to the following standards:

1. The site should be essentially regular in shape to facilitate maintenance and to provide the optimum opportunity for recreational use.
2. The site should not be located on a major road when such a location would present a traffic hazard to park users.
3. The site should not include storm water retention or detention facilities except those provided to serve the park site and shall not be subject to frequent flooding.
4. The site should have soil and topographic conditions suitable to accommodate the anticipated facilities, including but not limited to parking areas, play fields, tennis courts, playground equipment, or other recreational facilities.
5. The site should be located in the approximate center of the residential area to be served wherever possible, and adjacent to a school site where consistent with the school site requirements hereof.

#### 16.10.070 - Requirements for school site dedication [7]

##### 1. Calculation of Requirement

The estimated ultimate student population for grades K through 12 of the proposed subdivision shall bear directly on the amount of land required to be dedicated for school sites. The minimum requirement shall be .025 acres of land per elementary student, .0389 acres of land per middle school student, and .072 acres of land per high school student in accordance with the following standards:

##### 2. School Site Size and Location Standards

**16.10 - Dedications**

Type of School Site	Maximum Students per School Site	Minimum Acres/Site
Elementary K - 5	600	15 acres
Middle School	900	35 acres
High School	1500	108 acres

The location and shape of the school land to be dedicated shall be subject to the approval of the City Council as part of the preliminary plat. Prior to City Council approval of the Preliminary Plat, the City shall have received a ~~resolution of the~~ [letter from the](#) School District board of education approving the location and acreage of any school land to be dedicated. The suitability of land to be dedicated for school sites shall be evaluated by the Plan Commission and City Council according to the following standards:

1. The site should be essentially regular in shape, to allow the proper design of the school building, playgrounds, and parking areas.
2. The site should not be located on a major road when such a location would present a traffic hazard to school children.
3. The site should not include storm water retention or detention facilities except those provided to serve the school site [and shall not be subject to frequent flooding.](#)
4. The site should have suitable soil and topographic conditions for the construction of a school building, parking lot, and other necessary facilities.
5. The site should be located in the approximate center of the residential area to be served wherever possible.

16.10.080- Criteria for requiring a cash contribution in lieu of park and school land  
[8]

1. ~~2~~ When Cash Contribution Required

When the subdivision is small and the resulting site is too small to be practical, or when available land is inappropriate for park or school sites, or when park or school sites have already been provided, the City Council may require the payment of cash contributions in lieu of the required land. The City Council shall determine whether land or cash will be required when it approves the preliminary plan, and ~~may shall~~ consider the recommendation of the appropriate Park or School District in making such determinations. [The Park or School District may refuse a land donation based upon the following criteria:](#)

- a. [The land is not needed in the proposed location for the type of dedication site being proposed.](#)
- b. [The configuration of the site, location within the development, size of the site, or function of the property \(wetland, rolling topography, detention, retention\) is not appropriate, based on the district's needs for site or facilities in the area of the](#)

## 16.10 - Dedications

subdivision.

c. ~~Access to the site is not conducive to use of the site as public land.~~

When the Park District or School District has refused to accept a land contribution, the City Council ~~may~~shall require a cash contribution.

### 2. Payment of Park Contribution

For subdivisions platted in multiple phases, the per dwelling unit cash contribution in lieu of, or in addition to, park land, as may be applicable, shall be paid for the entire phase to be developed, prior to issuance of the first building permit for the applicable phase. For subdivisions platted in a single phase, the per dwelling unit cash contribution in lieu of, or in addition to, park land, as may be applicable, shall be paid for the entire subdivision prior to issuance of the first building permit. The applicable per dwelling unit cash contribution shall be paid directly to the Park District and held in ~~trust~~ segregated account. All such payments made to the Park District under this Section are to be spent solely in accordance with paragraph 3 below. The City shall not issue a building permit until it receives an original receipt of payment executed by the treasurer of the Park District.

### 3. Use of Contribution by Park District

1. The cash contribution in lieu of park land shall be used solely for the acquisition of park land which will serve the immediate or future needs of the residents of the subdivision for which the contribution was received, or the improvement of existing park land which will serve such needs; provided, however, any expenditure of funds for land or improvements shall satisfy all applicable statutory criteria, ~~and specifically the provisions of 65 ILCS 5/11-12-4, et seq., as amended. Annexation agreements entered by the City pursuant to 65 ILCS 5/11-15.1-1, as amended, with respect to land to be zoned to include residential uses for which this Chapter applies, shall include a provision that all cash received for the Park District may be used by the Park District for land acquisition, building construction, site improvements, capital improvements, equipment, operations, or any other purpose which will serve the immediate or future needs of the residents of the subdivision for which the contribution was received.~~

~~2. Further, the Park District shall spend a minimum of fifty percent (50%) of the contribution a) within the subdivision from which it was received, or if no park land exists within said subdivision, b) within Park District real estate nearest said subdivision or for the purchase of park land within one and one half miles of said subdivision. For subdivisions for which a combination of land dedication and cash contribution has been received, the Park District shall spend a portion of the cash contribution to improve the land dedication site within the subdivision, with the improvements to be determined by the Park District.~~ For subdivisions platted within the City limits, the Park District shall spend one hundred percent (100%) of the contribution within the City limits; for subdivision platted outside the City limits but within the planning jurisdiction of the City, the Park District shall spend one hundred percent (100%) of the contribution within the planning jurisdiction of the City. The City Council may vary the requirements of this paragraph 2 if it finds that, based upon facts presented by the Park District, such variance will result in park facilities which will serve the immediate or future needs of the residents of the subdivision from which the contribution was received.

4. Payment of School Contribution For subdivisions platted in multiple phases, the per dwelling unit cash contribution in lieu of, or in addition to, school land, as may be applicable, shall be paid for the entire phase to be developed, prior to issuance of the first building permit for the applicable phase. For subdivisions platted in a single phase, the per dwelling unit cash

**Comment [RC1]:** Change proposed by School and Park District. City Council policy decision.

Criteria are proposed as a basis for a district to reject a land donation.

Under the proposed language, if the district rejects the land donation based on this criteria, the City Council SHALL (not "may") require a cash contribution.

**Comment [RC2]:** Imposing a percentage limitation on where the park cash is spent is not practical given the small size of future park dedication sites and limited available land for new park sites.

The intent of this new text is to clarify that with a combination land and cash dedication, a portion of the cash must be used to improve the park site within the subdivision, but that the improvements are to be determined by the Park District.

## 16.10 - Dedications

contribution in lieu of, or in addition to, school land, as may be applicable, shall be paid for the entire subdivision prior to issuance of the first building permit. The applicable per dwelling unit cash contribution shall be paid directly to the School District and held in ~~trust~~ a segregated account. All such payments made to the School District under this Section are to be spent solely in accordance with paragraph 5 below. The City shall not issue a building permit until it receives an original receipt of payment executed by the treasurer of the School District.

### 5. Use of Contribution by School District

The cash contribution in lieu of school land shall be used solely for the acquisition of land for a school site to serve the immediate or future needs of the residents from the subdivision for which the contribution was received, or for the improvement of any existing school site which will serve such needs, ~~but not for the construction of any school buildings, or additions thereto~~; provided, however, any expenditure of funds for school sites or improvements shall satisfy all applicable statutory criteria, ~~and specifically the provisions of 65 ILCS 5/11-12-4, et seq., as amended. Annexation agreements entered by the City pursuant to 65 ILCS 5/11-15.1-1, as amended, with respect to land to be zoned to include residential uses for which this Chapter applies, shall include a provision that all cash received for the School District may be used by the School District for land acquisition, building construction, site improvements, capital improvements, equipment, operations, or any other purpose which will serve the immediate or future needs of the residents of the subdivision for which the contribution was received.~~

### 6. Return of Contribution if not Expended

If any portion of a cash contribution in lieu of park or school site land is not expended for the purposes set forth herein within ten (10) years from the date of receipt, it shall be refunded, together with accrued interest thereon, to the owners of record of all lots, except public land, in the subdivision for which such contribution is made. The refund shall be paid to the person who is the owner of record on the day which is the tenth anniversary of the receipt of such contribution. The amount of the refund due to each lot owner shall be equal to the amount of the original contribution, together with accrued interest thereon, divided by the total number of lots in the subdivision (excluding public land) for which the contribution was made. The City Council may permit one- year extensions of the ten-year restriction if the Park District or School District demonstrates that such funds have been allocated for an acquisition or improvement allowed herein, but have not been spent due to additional funds being necessary to complete such acquisition or improvement.

### 7. Amount Applicable at Payment

All building permits issued shall be subject to the cash contributions applicable pursuant to Title 16 at the time of payment of the cash contributions, unless otherwise previously granted by the City Council through a planned unit development or annexation agreement. Any amendment to an approved preliminary plan, final plat of subdivision, or final plat or plan of planned unit development shall require compliance with the then applicable cash in-lieu fees, to the extent that such amendment results in the calculation of a greater cash payment to the Park District and School District.

### 16.10.090 - Amount of cash contribution [9]

The cash contribution in lieu of land shall be based on the fair market value of improved land within the subdivision, which shall be defined as the value of land with roads, curbs, gutters,

## 16.10 - Dedications

sidewalks, storm and sanitary sewer, water and other utilities. The fair market value of improved land for subdivisions to be developed within the City is hereby determined to be two hundred forty thousand five hundred dollars (\$240,500.00) per acre, which shall be used in the calculation of the required cash contributions, except as follows:

1. The fair market value for subdivisions to be developed outside the corporate limits of the City of St. Charles but within the City's 1 1/2 mile jurisdictional area is hereby determined to be one hundred seventy-five thousand dollars (\$175,000).

2. If the Subdivider files a written objection to the use of the per acre value established herein, he shall submit an appraisal. Such appraisal shall show the fair market value of improved land in the area of the subdivision. The City shall notify the School District and the Park District of any objection and shall provide the School District and the Park District at least ninety (90) days to file their own appraisal or other response as they determine appropriate.

3. If the City Council determines that the specifics of the subdivision so warrant, it may require an appraisal. Final determination of the fair market value per acre of land shall be made by the City Council, based upon the appraisal or appraisals, and upon other information which may be submitted by the Park District, School District, or others. The Subdivider shall pay all appraisal fees.

4. At least once every five (5) years, but not more often than every three (3) years, the City, in cooperation with the Park District and School District shall obtain a formal an appraisal and review and if appropriate, adjust the value of land under this Ordinance. The City shall notify the School District and the Park District at the commencement of the process. In determining whether it is appropriate to adjust the value of land under this ordinance, the City shall consider whether the land value is within the range of values set by other area municipalities, including those municipalities served by the Park and School Districts.

5. Any appraisal submitted under this section shall be prepared by a licensed Illinois State Real Estate Appraiser and shall be in the form of a report that conforms to the applicable requirements of the Uniform Standards of Professional Practice.

**Comment [RC3]:** Change proposed by Park and School Districts. City Council policy decision.

### 16.10.100- Criteria for requiring land and cash [10]

There may be situations when a combination of land and a cash contribution in lieu of land are both necessary. At the time of preliminary plan approval, the City Council may require a combination of land and cash in any of the following situations:

1. When a previously designated park or school site lies partly within and partly outside of a proposed subdivision and the acreage of the designated park or school site within the subdivision is less than the park or school site acreage required herein, the Subdivider shall contribute all of the designated park or school site lying within the proposed subdivision, and cash in lieu of the additional acreage needed to fulfill the requirements hereof.

2. When part of a designated park or school site has already been acquired, and the land needed to complete it is less than the land required from the subdivision, then the

**16.10 - Dedications**

Subdivider shall contribute the amount of land needed from the subdivision to complete the park or school site and cash in lieu of the additional acreage needed to fulfill the requirements hereof.

3. When the Subdivider will be contributing certain park or school sites, and the balance of the required park or school site acreage would be too small or otherwise unsuitable for park or school sites, then the Subdivider shall contribute cash in lieu of the balance of the required school or park site acreage.

16.10.110- Calculation of estimated population [11]

A. Calculation of Requirement

<b>Table of Estimated Ultimate Population Per Dwelling Unit</b>				
Type of Unit	Elementary Grades K-5 5-10 years	Middle Grades 6-8 11-13 years	High School Grades 9-12 14-17 years	Total Population
<u>Detached Single Family</u>				
• 2 bedroom	0.136	0.048	0.020	2.017
• 3 bedroom	0.369	0.173	0.184	2.899
• 4 bedroom	0.530	0.298	0.360	3.764
• 5 bedroom	0.345	0.248	0.300	3.770
<u>Attached Single Family (Townhomes)</u>				
• 1 bedroom	0.000	0.000	0.000	1.193
• 2 bedroom	0.088	0.048	0.038	1.990
• 3 bedroom	0.234	0.058	0.059	2.392
• 4 bedroom	0.322	0.154	0.173	3.145
<u>Multi Family (Condo/Apartment)</u>				
• Efficiency	0.000	0.000	0.000	1.294
• 1 bedroom	0.002	0.001	0.001	1.758
• 2 bedroom	0.086	0.042	0.046	1.914
• 3 bedroom	0.234	0.123	0.118	3.053
Source: Illinois School Consulting Service/Associated Municipal Consultants Inc., 1996				

The "Table of estimated ultimate population per dwelling unit" shall be used to calculate the amount of required park and school site land and cash contributions in lieu thereof. It is recognized that population density, age distribution, and local conditions change over time, and that, therefore, the table is subject to periodic review and amendment as necessary.

B. Objection.

A written objection to "The Table of Estimated Ultimate Population Per Dwelling Unit"

## 16.10 - Dedications

may be filed by the Subdivider, or by the School or Park District, prior to City Council approval of the preliminary plan. The City shall notify the School District and the Park District of any objection and shall provide the School District and Park District at least ninety (90) days to file their own response. Such objection shall include a demographic study showing the estimated ultimate population to be generated by the subdivision. Final determination of the estimated ultimate population shall be made by the City Council at the time of preliminary plan approval.

**Comment [RC4]:** Change proposed by Park and School Districts. City Council policy decision.

### C. Credit for Existing Lots and Dwellings

A credit to the estimated population shall be granted as follows:

1. Existing Subdivided Lots: Lots previously subdivided for residential use, pursuant to a Subdivision Plat previously approved by the City of St. Charles and previously recorded with the County Recorder of Deeds, shall receive a credit calculated as a reduction of one residential unit per existing subdivided lot located wholly within the proposed subdivision.
2. Existing Lots of Record: Portions of previously subdivided lots that were lawfully conveyed as Lots of Record prior to September 17, 2012, provided said Lots of Record meet the minimum lot width and area requirements of the applicable zoning district in which it is located, shall receive a credit calculated as a reduction of one residential unit per existing Lot of Record located wholly within the proposed subdivision.
3. Existing Residential Dwellings: Existing residential dwellings shall receive a credit calculated as a reduction of the estimated population for the dwelling based upon the formulas within this chapter. A credit shall not be granted under sections 1 and 2 above for any lot receiving a credit for an existing dwelling under this section.

**Comment [RC5]:** This section addresses fees calculations for in-town subdivisions that involve existing lots or dwellings. The intent is to require the fees be paid for new lots being created, not any previously existing lots or residential units.

### D. Institutional Uses

A "Nursing Home" or "Assisted Living Facility", as defined in Title 17 of the City Code, and similar institutional uses, shall not be considered residential dwellings, and therefore units or rooms within such facilities shall not be included in the calculation of estimated population.

**Comment [RC6]:** Reflects current practice of institutional uses not being considered residential units

## 16.10.120- Reservation of land [12]

- Park or school dedication sites shall be considered public land for purposes of this chapter. All dedication sites shall be designated as a lot on the Final Plat of Subdivision. The lot shall be identified as a park or school site, with a notation that the property is to be conveyed as public land in accordance with this Title.
- Whenever the St. Charles Comprehensive Plan, or the standards of the City, School District, or Park District call for a school or park site within a subdivision larger than the required land contribution, the land needed in addition to the required contribution shall be reserved on the final plat for subsequent purchase by the City, Park District, or School District. The City, Park District, or School District shall acquire the land so designated by purchase or commence proceedings to acquire such land by condemnation within one year from the date of recording of the final plat; if the land is not so acquired or condemnation proceedings are not so commenced within said one

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year period, the land so designated may then be used by the owners thereof in any other manner consistent with the St. Charles Municipal Code and compatible with said subdivision.

### 16.10.130- Condition of park and school sites [13]

Land Improvements within the subdivision adjoining park and school sites shall be provided and paid for by the Subdivider. In addition, park and school sites shall be fine graded, provided with a minimum of six (6) inches of topsoil, and seeded as part of the required land improvements, unless otherwise permitted by the City Council. All land improvements within the boundaries of park and school sites shall be completed prior to conveyance of the site. Installation of adjacent parkway improvements (including sidewalks, parkway trees, and street lighting) may be deferred until construction of the adjacent street is completed. Prior to commencing such work or any land improvements within a park or school site, the Subdivider shall furnish a policy or policies of insurance insuring both City and the park or School District, as the case may be, with coverage as approved by the City Council and Park District governing body or School District board of education, as the case may be. The Subdivider shall provide certificates to City and the school or Park District, as the case may be, showing City and such school or Park District as additional insureds. Such certificates shall provide for at least 30 days' notice to City and such district prior to cancellation or modification in any respect. The failure to provide or maintain the insurance coverages or certificates as mentioned above shall be cause to stop construction and shall be cause for the refusal of issuance of construction and building permits or certificates of occupancy.

**Comment [RC7]:** Sites would be conveyed after land improvements have been completed, so that the District is accepting a finished site, and not needing to grant the developer access to their property.

### 16.10.140 - Time of conveyance [14]

The park and school sites required herein shall be conveyed to the appropriate park or School District grantee, as designated by the City following the recording of the Final Plat of Subdivision. The timing of the conveyance shall be mutually agreed to by the City, School or Park District, and the Subdivider, with due consideration for the project phasing and construction activity to occur on properties adjacent to the school or park site. In the event the Subdivider has not conveyed the school or park site in accordance with the agreed to timing of conveyance, the City may withhold the issuance of building permits for residential units within the subdivision. , after City Council approval of the final plat and prior to the execution of the final plat of subdivision. The final plat shall not be executed by the mayor or recorded until the governing body of the Park District or School District, as the case may be, executes a written acceptance of the conveyance. Such acceptance of the conveyance shall not be deemed to constitute acceptance for purposes of maintenance. The Subdivider shall be responsible for maintaining the park and school sites until the land improvements upon and adjoining such sites are accepted by the City Council.

**Comment [RC8]:** Sites would be conveyed when it is practical based on the individual development project. Future park sites will likely be smaller and well integrated into a development.

### 16.10.150 - Payment of general real estate taxes and agricultural rollback taxes [15]

General real estate taxes and agricultural rollback taxes levied or which become due because of

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any conveyance, against the park or school site which is conveyed, shall be the responsibility and obligation of the grantor. Grantor shall furnish evidence of payment of these taxes or deposit the amount of those taxes in escrow with the title company furnishing the preliminary report of title, requiring payment of the taxes when they become due. After payment of the taxes, evidence of such payment shall be furnished to the grantee. The amount of any general real estate taxes and/or agricultural rollback taxes for the year of conveyance shall be pro-rated to the date of the delivery of deed. The amount of the general real estate and agricultural rollback taxes shall be based on the assessor's latest known rate, value, and equalizer, if any, for the land being conveyed.

### **16.10.160 - Real estate conveyance requirements [16]**

All real estate conveyed to the School District or Park District pursuant to the provisions of this chapter is hereby designated "public land." The Subdivider shall furnish the grantee with a survey of the public land to be conveyed and a commitment for title insurance from a title company licensed to do business in the state of Illinois, in the amount of the fair market value of such public land. If within thirty (30) days of receipt of the commitment, the grantee objects in writing to defects in the title, the Subdivider shall have thirty (30) additional days from the date of delivery of such written objections to cure such defects. All deeds of conveyance pursuant to this ordinance shall be recorded, at the Subdivider's sole expense, in the office of the recorder of deeds of the county in question. All conveyances pursuant to this chapter shall be accompanied by an appropriate affidavit of title, and shall be by warranty or trustee's deed subject only to the following:

1. Acts done or suffered by or judgments against the grantee, its successors and assigns;
2. General taxes for the year of conveyance, and subsequent years;
3. Zoning and building laws and/or ordinances;
4. Public and utility easements of record which are reasonably acceptable to City and grantee;
5. Conditions and covenants of record as contained only in plats of subdivision approved by the City;
6. Rights-of-way for drainage ditches, feeders, laterals, and underground tile, pipe or other conduit;
7. Such other exceptions to title that grantee shall find acceptable.

### **16.10.170 - Sale of public land [17]**

1. In the event either the School District or Park District desires to sell any public land obtained under the provisions hereof, it shall first direct written notice, certified mail, return receipt requested, to the non-selling district and City. The written notice shall contain a legal description and plat of the public land and statement that the owner thereof desires to sell the public land described. Upon receipt of the written notice, the following options are provided and granted:

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1. The non-selling district shall have the exclusive option to purchase the public land described, for the thirty-day period next following receipt of the notice.
2. In the event the non-selling district fails to exercise its option within the thirty-day time period, the City shall have exclusive option to purchase the public land described, at no cost, for the thirty-day period next following expiration of the initial thirty-day period.
2. Any option shall be exercised by directing written notice to the owner of the public land, certified mail, return receipt requested. In the event both the non-selling district and the City fail to exercise their options, the owner of the public land may, for a one-year period thereafter, sell the public land described in the written notice to any third party, subject to the requirements of law.
3. In the event any public land is sold to a third party pursuant to the terms of this chapter, the property shall thereafter not be designated as "public land".
4. The cash received by the School District as a result of the sale of public land shall be held in a separate account, and shall be used solely in accordance with the provisions Section 16.08 above.
5. The cash received by the Park District as a result of the sale of public land shall be held in a separate account, and shall be used solely in accordance with the provisions of Section 16.08 above.

### ~~16.10.180 Private recreational areas in lieu of dedicated park land [18]~~

- ~~1. Private recreation areas and facilities may reduce the demand for local public recreational services. At the option of the City Council, a portion of the public park site requirement may be provided in the form of private recreation areas. The extent of same shall be determined by the City Council, based upon the needs of the projected residents, the extent to which the private recreation areas are available for use by the residents of the subdivision, and available park land in the general area.~~
- ~~2. In general, a substitution of private recreational areas for public park sites will require a substantially higher degree of improvement, such as the installation of recreational facilities and equipment by the Subdivider. Detailed plans of facilities to be installed shall be submitted with the preliminary plan and shall be subject to the review and approval of the City Council. Before any credit is given for private recreation areas, the Subdivider shall provide such guarantee that the private recreation areas will be permanently maintained for such use by the execution of such legal documents and the provision of such sureties as City shall request.~~

(2012-M-45 [19])

**Comment [RC9]:** Proposed change by the Park and School Districts. City Council policy decision.

## 16.02 “General Provisions”

### 16.02.010 – Purpose

The purpose of this Title and subsequent regulation is as follows:

- A. To provide one of several means for carrying out the intent of the Comprehensive Plan, thus helping to insure sound, harmonious subdivision development and community growth, and to safeguard the interest of the homeowner, the Subdivider, the investor, and the City.
- B. To provide permanent assets to the City.
- C. To prevent scattered development beyond existing public utilities and prevent excessive development costs.
- D. To assure the development of land for optimum use with the highest possible standards of design and necessary protection against deterioration and obsolescence.
- E. To assure the orderly development of all land within the City.
- F. To limit and control the pollution of the environment that can be caused by inadequate or incomplete urban development.
- G. To provide common grounds of understanding and a sound working relationship between the City and the Subdivider.
- H. To lessen congestion of streets and highways.
- I. To provide for adequate light and air.
- J. To facilitate adequate provisions for transportation, water, storm water management, sewerage, schools, and other public necessities.
- K. To ensure proper legal description and proper monumenting of subdivided land.
- L. To coordinate new subdivision design within the design of the City as a whole.

### 16.02.020 – Validity and Applicability

- A. No plat of any subdivision shall be entitled to record in the recorder's office, or have any validity, until it has been approved in the manner prescribed in this Title.
- B. No parcel of land may be conveyed for the purpose of creating a new residential dwelling lot without said parcel begin established as a lot pursuant to approval of a plat of subdivision in the manner prescribed in this Title, unless said parcel was previously subdivided, pursuant to a Subdivision Plat approved by the City of St. Charles and recorded with the County Recorder of Deeds.

C. Lots of Record that were lawfully conveyed prior to September 17, 2012 that meet the minimum lot width and area requirements of the applicable zoning district in which it is located shall be considered valid lots for purposes of this title.

D. Parcels of land may be conveyed for the purpose of modifying lot size or configuration, provided the conveyance does not create a greater number of buildable residential lots, based on the applicable zoning district in which it is located, than currently exist within the boundary of the subdivision (either as existing subdivided lots or valid Lots of Record under Item C. above.)

#### 16.02.030 – Comprehensive Plan

A. Adopted.

An official Comprehensive Plan, ~~containing an official map, dated May 6, 1996~~September 3, 2013 has been adopted by the City, pursuant to the powers granted by the Illinois Municipal Code, and shall be known as "the Comprehensive Plan of the City of St. Charles, Illinois." The comprehensive plan may be amended from time to time, pursuant to 65 ILCS 5/11-12-7.

B. Copies Available Upon Payment of Fee.

~~Copies of s~~Said official Comprehensive Plan and all ordinances implementing said plan, including any official map that may hereafter be adopted, shall be made available to all interested parties on the City website. A printed copy may be purchased for the cost of printing the document, upon payment of such sum as the corporate authorities shall determine to be adequate to reimburse the general fund of the City of the cost of printing and distributing same.

#### 16.04.010 – Applicability

The provisions hereof shall be applicable to all subdivisions in the City of St. Charles and within all unincorporated areas lying within one and one-half miles of the corporate limits of the City of St. Charles, to the extent permitted by law. Subdivisions located within the future planning area jurisdiction of another municipality, pursuant to a Boundary Line Agreement with the City of St. Charles, shall not be subject to the provisions hereof.