

ARTICLE H

Park and Public Land Dedications

SEC. 14-1-80 GENERAL PARK AND PUBLIC LAND DEDICATION REQUIREMENTS.

- (a) **Dedication Requirement.** In order that adequate open spaces and sites for public uses may be properly located and reserved and in order that the cost of providing public areas, such as but not limited to, parks, recreation areas and public schools may be equitably apportioned on the basis of additional need created by a certified survey or subdivision development, each subdivider shall be required to dedicate land or fees in lieu of land for park or other public uses.
- (b) **General Design.** In the design of a subdivision, land division, planned unit development or certified survey, provision shall be made for suitable sites of adequate area for schools, parks, playgrounds, open spaces, drainage-ways and other public purposes. Such sites are to be shown on the Preliminary Plat and Final Plat, and shall comply with the Village Master Plan or component of said Plan. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities.
- (c) **Site Reservations Required.**
 - (1) Where the area proposed to be divided contains a park, playground or other public area which is shown upon the master plan of the Village, such area shall either be dedicated to the proper public agency, or, at the Village Board's determination, it shall be reserved for acquisition thereby within a three (3) year period by purchase or other means. If the land is not acquired during this period, it shall be released to the subdivider.
 - (2) Whenever any river, stream or important surface-drainage course is located in the area being divided, the subdivider of land shall provide an easement along each side of the river, stream or drainage course for the purpose of widening, deepening, relocating, improving or protecting the river, stream or drainage course for drainage or recreational use.

SEC. 14-1-81 LAND DEDICATION. (rev. 3-12-02)

- (a) **Dedication of Sites.** Where feasible and compatible with the comprehensive or master plan of the Village, the subdivider shall provide and dedicate to the public adequate land to provide for park, recreation, school and open space needs of the land development within the Village of Marshall. The location of such land to be dedicated shall be determined by the Village Board. Where the dedication is not compatible with the comprehensive or master plan, or for other reasons is not feasible as determined by the Village Board, the subdivider shall, in lieu thereof, pay to the Village a fee as established by this Article, or a combination thereof.
- (b) **Dedication of Parks, Play grounds, Recreation and Open Spaces.** The subdivider shall dedicate sufficient land area to provide adequate park, playground, recreation and open space to meet the needs to be created by and to be provided for the land division, subdivision or comprehensive development. The minimum dedication shall be:

- (1) Five percent (5%) of the total acreage intended to be used for commercial or industrial uses;
 - (2) One acre for every thirty (30) dwelling units created for single-family, two-family and multi-family residential purposes.
- (c) **Minimum Size of Park and Playground Dedications.**
- (1) In general, land reserved for recreation purposes shall have an area of at least two (2) acres. Where the amount of land to be dedicated is less than two (2) acres, the Village Board may require that the recreation area be located at a suitable place on the edge of the proposed land division, subdivision or certified survey so that additional land may be added at such time that the adjacent land is subdivided. In no case shall an area of less than one (1) acre be reserved for recreational purposes if it will be impractical or impossible to secure additional lands in order to increase its area.
 - (2) Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, play field or for other recreation purposes and shall be relatively level and dry. A recreation site shall have a total frontage on one (1) or more streets of at least two hundred (200) feet, and no other dimension of the site shall be less than two hundred (200) feet.
- (d) **Fees in Lieu of Land/ Park development purposes.**
- (1) Where, in the sole discretion of the Village Board, there is no land suitable for parks within the proposed land division or the dedication of land would not be compatible with the Village's comprehensive development or park plan, the minimum size under Subsection (d) cannot be met, or Village officials determine that a cash contribution would better serve the public interest, The Village Board shall require the subdivider to contribute a fee in lieu of land. The fees collected shall be held in a non-lapsing fund to be used for purchase, development, improvement or maintenance of parks, playgrounds, open spaces and other recreational sites and facilities. For each proposed residential development, the fee shall be Five Hundred Fifteen Dollars (\$515.00) for each residential unit. The fee shall be paid to the Village at the time of final plat or certified survey approval. This fee shall be annually adjusted by the Clerk-Treasurer by adding to the base fee the Consumer Price Index (CPI) cost on March 1st of that year for each possible dwelling unit within the plat/land division allowed by the Zoning Code.
 - (2) The Village Board may, in its sole discretion, permit the subdivider to satisfy the requirements of this Article by combining a land dedication with a fee payment. If a partial land dedication is made, the subdivider shall also contribute a per dwelling unit amount, equal to the number of dwelling units not covered under the land dedication. For each such proposed dwelling unit, the fee shall be Five Hundred Fifteen Dollars (\$515.00). The fee shall be paid to the Village at the time of final plat or certified survey approval. This fee shall be annually adjusted by the Clerk-Treasurer by adding to the base fee the Consumer Price Index (CPI) cost on March 1st of that year for each possible dwelling unit within the plat/land division allowed by the Zoning Code.
 - (3) The Village Board shall require the subdivider to contribute a park and recreation development fee. The fees collected shall be held in a non-lapsing fund to be used for purchase, development, improvement or maintenance of parks, playgrounds, open spaces and other recreational sites and facilities. The total fee shall be computed on the basis of the maximum number of dwelling allowed under the Zoning Code. For each

- proposed residential development, the fee shall be Five Hundred Sixty Dollars (\$560.00) for each residential unit. This fee shall be annually adjusted by the Clerk-Treasurer by adding to the base fee the Consumer Price Index (CPI) cost on March 1st of that year for each possible dwelling unit within the plat/land division allowed by the Zoning Code.
- (4) The Village shall place any fee collected pursuant to the provisions of this Section in a separate account to be used at the discretion of the Village Board in any community park, for developing adequate parks, playgrounds, recreation and open spaces.
- (e) **Extraterritorial Areas.** Where the land division, subdivision or comprehensive development is situated within the extraterritorial jurisdiction of the Village and the Town operates and maintains a park system, the park land area dedicated to the Town or fees paid to the Town in lieu of such dedication shall be credited against any dedication required by or fee imposed pursuant to this Section.
- (f) **Limitations.** A subdivider shall not be required to dedicate more than one-third (1/3) of the total area of the plat to meet the objectives of this Section.
- (g) **Suitability of Lands.** The Village Board shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. Drainage-ways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.
- (h) **Access to Dedicated Land.** All dedicated land shall have frontage on a public street and shall have unrestricted public access.
- (i) **Utility Extensions.** The subdivider shall install or provide for installation of water and sanitary sewer lines to the property line of all dedicated land, where such services are to be provided to the adjacent properties.

SEC. 14-1-82 RESERVATION OF ADDITIONAL LAND.

When public parks and sites for other public areas as shown on the Master Plan or Master Plan component lie within the proposed area for development and are greater in area than required by Section 14-1-81, the owner shall reserve for acquisition by the Village, through agreement, purchase or condemnation, the remaining greater public area for a period of one (1) year of Final Plat approval unless extended by mutual agreement.

SEC. 14-1-83 DEVELOPMENT OF PARK AREA.

- (a) When parklands are dedicated to the Village, the subdivider is required to:
- (1) Properly grade and contour for proper drainage;
 - (2) Provide surface contour suitable for anticipated use of area as approved by the Village Engineer; and
 - (3) (rev. 1-11-94) Cover areas to be seeded with a minimum of four (4) inches of quality topsoil, seed as specified by the Village Engineer, fertilized and mulched, as specified in the standard "Specifications for Road and Bridge Construction Section 627 and 629". The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt loam, silty clay loam or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline. Fine grading and seeding must occur within one (1) year following issuance of the first building permit within that land division unless otherwise authorized by the Village. The improved area shall not be deemed officially accepted until a uniform grass cover to a two (2) inch

- height has been established. It shall be the responsibility of the subdivider to maintain the area until the Village accepts the dedication.
- (b) It shall be the responsibility of the Village to maintain the dedicated areas upon their dedication and acceptance by the Village.
 - (c) A neighborhood park area shall be provided by the subdivider with a standard residential water service unless located directly adjacent to a fire hydrant. A community park area shall be provided by the developer with a minimum six (6) inch water service or at least one (1) fire hydrant, and at least one (1) four (4) inch sanitary sewer lateral, all located at the street property line.
 - (d) The Village Board may require certification of compliance with this Article by the subdivider. The cost of such report shall be paid by the subdivider.
 - (e) If the subdivider fails to satisfy the requirements of this Section, the Village Board may contract said completion and bill such costs to the subdivider, following a public hearing and written notice to the subdivider of noncompliance. Failure to pay such costs may result in the immediate withholding of all building permits until such costs are paid.
 - (f) The subdivider shall pay all costs of public improvements in the public streets adjacent to or within all public and/or park lands.

SEC. 14-1-84 THROUGH SEC. 14-1-89 RESERVED FOR FUTURE USE.