
**THE VILLAGE OF HOMER GLEN
WILL COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 09-053**

**AN ORDINANCE OF THE VILLAGE OF HOMER GLEN, WILL
COUNTY, ILLINOIS, ESTABLISHING A MANDATORY
REQUIREMENT FOR THE DEDICATION OF FIRE STATION
SITES, OR FOR PAYMENT OF FEES IN LIEU THEREOF, FOR
THE HOMER TOWNSHIP FIRE PROTECTION DISTRICT,
THE NORTHWEST HOMER FIRE PROTECTION DISTRICT,
THE MOKENA FIRE PROTECTION DISTRICT AND THE
NEW LENOX FIRE PROTECTION DISTRICT**

**JAMES P. DALEY, Village President
GALE SKROBUTON, Village Clerk**

**MICHAEL COSTA
RUSSELL KNAACK
MARY NIEMIEC
MARGARET SABO
LAUREL WARD
GEORGE YUKICH**

Trustees

AN ORDINANCE OF THE VILLAGE OF HOMER GLEN ESTABLISHING A MANDATORY REQUIREMENT FOR THE DEDICATION OF FIRE STATION SITES, OR FOR PAYMENT OF FEES IN LIEU THEREOF, FOR THE HOMER TOWNSHIP FIRE PROTECTION DISTRICT, THE NORTHWEST HOMER FIRE PROTECTION DISTRICT, THE MOKENA FIRE PROTECTION DISTRICT AND THE NEW LENOX FIRE PROTECTION DISTRICT

WHEREAS, the Village of Homer Glen, Will County, Illinois (the "Village") is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the "Home Rule Powers"); and

WHEREAS, the Village of Homer Glen, Illinois (the "Village") anticipates a continued population increase due to the subdivision and development of land within the Village and its planning jurisdiction; and

WHEREAS, planning studies have indicated that such population growth will result in the continued disappearance of available land and a marked increase in land values; and

WHEREAS, the Village finds that the health, safety and general well-being of the community requires the availability of competent emergency and fire services; and

WHEREAS, it is hereby found and determined that the present and future public interest, convenience, health, welfare and safety of the Village will require the acquisition of additional fire station sites by the Homer Township Fire Protection District, the Northwest Homer Fire Protection District and/ the Mokena Fire Protection District and/or the New Lenox Fire Protection District (collectively, the "Districts"); and

WHEREAS, it is crucial to the safe and efficient provisions of fire and emergency medical services that the Districts have adequate land available upon which to locate fire stations and the financial resources necessary to provide ongoing training and education to their personnel and to acquire additional fire station sites, capital equipment, tools, equipment, supplies, personal protective equipment and other resources as may be necessary for the Districts to safely and efficiently perform emergency and fire services; and

WHEREAS, it has been found and determined that the provision and location of suitable fire stations and qualified fire and emergency personnel to adequately protect new development is just as essential to proper land development as any other necessary element of public infrastructure and to that end the Village has determined that it is in the best interest of the Village to provide by Ordinance that developers of land currently within or desired to be annexed to the Village shall either be required to dedicate land for additional fire station sites or make cash payments in lieu thereof to be used to defray the costs of land for fire station sites or the costs of capital equipment, tools, equipment, supplies, training, personal protective equipment and other resources as may be necessary for the Districts to safely and efficiently perform emergency and fire services; and

WHEREAS, the Village Board has further determined that the Village, as a condition of its making and implementing this requirement for a land dedication or cash payment in lieu thereof to the Districts pursuant to this Ordinance or the receipt of any such dedication or contribution by the Districts, should be indemnified and held harmless by the Districts or either of them of and from any and all claims, lawsuits, demands or other liabilities arising from or in any way related to such dedications or contributions, all in form and substance reasonably satisfactory to the Village and its counsel.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Homer Glen, Will County, Illinois, by and through its Home Rule Powers, as follows:

Section 1. The foregoing recitals are hereby incorporated into this Ordinance as if fully set forth herein.

Section 2. Recognizing the critical importance of the Districts' need for adequate fire station sites, fire stations, the necessary tools, equipment, supplies, personal protective equipment and other resources, including resources sufficient to provide current and ongoing training to their personnel, the Village has established this Ordinance to require mandatory dedications of land and/or cash payments in lieu thereof from developers of property located within the Village and property which is sought to be annexed into the Village to assist in defraying the cost incurred by the Districts to provide emergency and fire services as a result, in whole or in part, of the development of the property, and to establish guidelines for the calculation and dedication or payment of such land dedications or cash payments in lieu thereof. Subsequent to the effective date of this Ordinance, any person or entity seeking to develop any land ("Developer") within the Village or any land that is ultimately annexed into the Village, where such development requires the approval of a final plat of subdivision by the Village or the approval and issuance of a building permit by the Village, shall, as a condition of such final plat or building permit approval for construction of a new principal structure, comply with the cash payment and land dedication requirements set forth in this Ordinance.

Section 3. A Developer, with the consent of the Village and the District in which the land proposed to be developed is located, shall dedicate land for a fire station site. When the development is small and the resulting proposed fire station site is too small to be practical or when the available land is inappropriate for a fire station site, the developer shall make a cash payment in lieu of the land dedication calculated in accordance with Section 4 of this Ordinance. The cash payment in lieu of fire protection district land dedication shall be used by the Districts for the acquisition of fire station sites, the construction of fire stations, the acquisition of tools, equipment, supplies, personal protective equipment and other resources, to serve the immediate or future needs of the residents of that subdivision or development or for the improvement of other existing local fire stations that already serve such needs or for any other lawful purpose related to the provision of fire protection services. Developers shall complete the required land dedication or cash payment in lieu thereof prior to final plat approval or the approval and issuance of the first building permit within the parcel of land proposed to be developed. Developers shall make all land dedications and cash payments in lieu thereof required to be made pursuant to this Ordinance directly to the District at issue and shall simultaneously provide written documentation to the Village Manager evidencing such land dedication or cash payment in lieu thereof.

Section 4. The following guidelines shall apply for the determination of the amount of the cash payments in lieu of land dedications:

- a. For residential units, the required contribution shall be computed by multiplying the total acreage to be developed by the ratio of the number of acres required for residential fire protection purposes (3 acres for each 1280 acres proposed to be developed residentially, or 0.00234 acres for each acre of residentially developed property) and multiplying that product by the Price Per Acre provided, however, the required cash payment shall be not less than \$250.00 per residential unit. The Price Per Acre shall be the present fair market value of an acre of fully improved land in or around the Village. It is assumed that the present fair market value of such land in and surrounding the Village is \$150,000.00 per acre. The Village may reconsider the aforesaid valuation and make such adjustments thereto as may be necessary from time to time.
- b. For commercial and industrial buildings, the required cash payment in lieu of land dedication shall be determined by multiplying five cents (\$.05) per square foot of gross building area, i.e., that area encompassed by the exterior walls of the commercial or industrial building in question.

Section 5. All land sites shall be dedicated in a condition ready for full service of electrical, gas, telephone and other utility lines, water, sewer and streets (including enclosed drainage and curb and gutter), as applicable to the location of the site, and shall otherwise comply with Village Code requirements. In addition, all land sites shall be suitable for constructing a fire station facility and shall be free of any environmental contamination.

Section 6. As a condition of benefiting from the requirements imposed by the Village upon any Developer for any fire station land dedications and/or cash payments in lieu thereof pursuant to this Ordinance, the Districts shall execute an intergovernmental indemnification agreement in the form set forth in Exhibit A' attached hereto. No land dedication or cash payment in lieu thereof required on behalf of or received by any District prior to the execution of such an indemnification agreement shall be deemed to have been made pursuant to this Ordinance.

Section 7. Payment of cash in lieu payments may be deferred until time of the issuance of the first building permit for any building or structure located on the parcel or tract of property in question. Furthermore, notwithstanding anything else herein to the contrary, nothing herein shall be construed to render the provisions of this Ordinance applicable in any manner to any development of any property with a single family residence, where such residence is either presently occupied by the owner thereof, and the owner/occupant is proposing the development of accessory uses permitted under the Village Zoning Ordinance thereon, proposing the repair, expansion or improvement of any presently existing structure on the property in question, or where the property in question is proposed to be improved with not more than one (1) single family residence to be occupied by the Developer thereof.

Section 8. A “Developer” may appeal the calculation of the amount of land to be dedicated or the calculation of the amount of the cash payment assessed in lieu of land dedication, whichever is applicable, before the actual land dedication is made or cash payment in lieu of land dedication is paid. The appeal shall be submitted in writing to the Village Clerk within thirty (30) calendar days of the date when the Developer first makes application to the Village for approval of the proposed development. The appeal shall contain a complete statement of the reasons for the Developer’s appeal, shall set forth specific facts in support thereof, and shall include all evidence the Developer relies upon to support the appeal. The Village Board shall decide the appeal on the basis of this Ordinance and the facts presented by the Developer in the written appeal.

The Village Board may commence its consideration of the appeal at its next regularly scheduled meeting occurring at least seven (7) days after the filing of the appeal or at a special meeting convened to consider the appeal. The Village Board may, in its sole discretion, request additional information from the Developer or request the Developer to appear at a meeting to explain the appeal or present additional evidence to support its appeal. The Village Board shall decide the appeal within sixty (60) calendar days of the date when the appeal is filed unless the Board determines that additional time is reasonably necessary to render its decision.

Failure by a Developer to file an appeal within the time limits set forth herein shall constitute a waiver by the Developer to appeal the application of this Ordinance to the proposed development and shall constitute an acknowledgement that the amount of land to be dedicated or the amount of cash payment assessed in lieu of land dedication, whichever is applicable, is specifically and uniquely attributable to the proposed development.

Section 9. If any provision of this Ordinance or the application thereof to any person or circumstances is declared invalid by a court of competent jurisdiction, such partial invalidity shall not affect the other provisions or applications of this Ordinance, the invalid provision shall be deemed stricken from this Ordinance as if it were not a part hereof, *ab initio*, and the remainder of this Ordinance shall continue in full force and effect.

Section 10. Ordinance No. 03-002 and Ordinance No. 04-068 are hereby repealed. Any other provision of any ordinance or regulation in conflict with any regulation contained in this Ordinance shall be and is hereby repealed insofar as it is in conflict with this Ordinance.

Section 11. Passage of this Ordinance shall have no effect in any way on any and all previous dedications or payments made pursuant to the provisions of any applicable Ordinance.

Section 12. Any non-preemptive state statute in conflict hereof with this Ordinance is hereby superseded to the full extent of such conflict pursuant to the exercise of the Home Rule Powers of the Village.

Section 13. This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Adopted this 28th day of July, 2009 pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Costa	X			
Knaack	X			
Niemiec	X			
Sabo	X			
Ward	X			
Yukich	X			
Daley (Village President)	-			
TOTAL	6	0	-	-

APPROVED by the Village President on JULY 28, 2009.

James P. Daley
Village President

ATTEST:

Gale Skrobuton
Village Clerk