



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4434

Introduced 2/3/2020, by Rep. Martin J. Moylan

SYNOPSIS AS INTRODUCED:

65 ILCS 5/7-1-1.5 new

65 ILCS 5/11-15.1-2

65 ILCS 5/11-15.1-2.2 new

from Ch. 24, par. 11-15.1-2

Amends the Illinois Municipal Code. Provides that annexations and annexation agreements are valid if they meet specified statutory requirements. Declares that it is a proper purpose for a municipality to seek the voluntary annexation of territory in order to: seek contiguity with other territory; or wholly bound other territory for the purpose of annexing that other territory. Provides that the validity of an annexation cannot be contested based on the purpose of the annexation, the contents of any annexation agreement, or any factor other than what is statutorily required. Requires an annexation agreement to include terms relating to disconnection of the territory from a municipality. Provides that, unless the terms of an annexation agreement are inconsistent with the provisions of the Illinois Municipal Code or are otherwise forbidden by law, the terms of the annexation agreement and the intentions of the parties to the annexation agreement may not be considered in determining compliance with the Code. Effective immediately.

LRB101 16107 AWJ 65470 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by
5 changing Section 11-15.1-2 and by adding Sections 7-1-1.5 and
6 11-15.1-2.2 as follows:

7 (65 ILCS 5/7-1-1.5 new)

8 Sec. 7-1-1.5. Validity of annexation; purposes of
9 annexation.

10 (a) An annexation under this Division is valid if it meets
11 the statutory requirements of this Article.

12 (b) It is declared a proper purpose for a municipality to
13 seek the voluntary annexation of territory under any provision
14 of this Article in order to: seek contiguity with other
15 territory; or wholly bound other territory for the purpose of
16 annexing that other territory under Section 7-1-13. However,
17 the validity of an annexation cannot be contested based on the
18 purpose of the annexation, the contents of any annexation
19 agreement, or any factor other than what is statutorily
20 required.

21 (c) This Section is declarative of existing law and shall
22 not be construed as a new enactment.

1 (65 ILCS 5/11-15.1-2) (from Ch. 24, par. 11-15.1-2)

2 Sec. 11-15.1-2. Any such agreement may provide for the
3 following as it relates to the land which is the subject of the
4 agreement:

5 (a) The annexation of such territory to the municipality,
6 subject to the provisions of Article 7 and the disconnection of
7 such territory from the municipality.

8 (b) The continuation in effect, or amendment, or
9 continuation in effect as amended, of any ordinance relating to
10 subdivision controls, zoning, official plan, and building,
11 housing and related restrictions; provided, however, that any
12 public hearing required by law to be held before the adoption
13 of any ordinance amendment provided in such agreement shall be
14 held prior to the execution of the agreement, and all ordinance
15 amendments provided in such agreement shall be enacted
16 according to law.

17 (c) A limitation upon increases in permit fees required by
18 the municipality.

19 (d) Contributions of either land or monies, or both, to any
20 municipality and to other units of local government having
21 jurisdiction over all or part of land that is the subject
22 matter of any annexation agreement entered into under the
23 provisions of this Section shall be deemed valid when made and
24 shall survive the expiration date of any such annexation
25 agreement with respect to all or any part of the land that was
26 the subject matter of the annexation agreement.

1 (e) The granting of utility franchises for such land.

2 (e-5) The abatement of property taxes.

3 (f) Any other matter not inconsistent with the provisions
4 of this Code, nor forbidden by law.

5 Any action taken by the corporate authorities during the
6 period such agreement is in effect, which, if it applied to the
7 land which is the subject of the agreement, would be a breach
8 of such agreement, shall not apply to such land without an
9 amendment of such agreement.

10 After the effective term of any annexation agreement and
11 unless otherwise provided for within the annexation agreement
12 or an amendment to the annexation agreement, the provisions of
13 any ordinance relating to the zoning of the land that is
14 provided for within the agreement or an amendment to the
15 agreement, shall remain in effect unless modified in accordance
16 with law. This amendatory Act of 1995 is declarative of
17 existing law and shall apply to all annexation agreements.

18 (Source: P.A. 89-432, eff. 6-1-96; 89-537, eff. 1-1-97; 90-14,
19 eff. 7-1-97.)

20 (65 ILCS 5/11-15.1-2.2 new)

21 Sec. 11-15.1-2.2. Validity of annexation agreement;
22 purposes of annexation agreement.

23 (a) An annexation agreement under this Division is valid if
24 it meets the statutory requirements of this Division.

25 (b) It is declared a proper purpose for the corporate

1 authorities of a municipality to enter into an annexation
2 agreement with any landowner in order to: seek contiguity with
3 other territory; or wholly bound other territory for the
4 purpose of annexing that other territory in any manner provided
5 in Article 7. Unless the terms of the annexation agreement are
6 inconsistent with the provisions of this Code, or are otherwise
7 forbidden by law, the terms of the annexation agreement and the
8 intentions of the parties to the annexation agreement may not
9 be considered in determining compliance with this Code for
10 annexation.

11 (c) This Section is declarative of existing law and shall
12 not be construed as a new enactment.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.