



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
SB2138

Introduced 1/6/2004, by William E. Peterson

SYNOPSIS AS INTRODUCED:

65 ILCS 5/7-3-6

from Ch. 24, par. 7-3-6

Amends the Illinois Municipal Code. Provides that an area of land, or any part thereof, disconnected by petition of the owner from a municipality, which has incorporated at least 2 years prior to the date of the filing of the petition for disconnection, shall not be subdivided into lots and blocks within 5 years from the date of the disconnection (now 1 year). Effective immediately.

LRB093 14797 RAS 40355 b

1 AN ACT concerning municipalities.

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 7-3-6 as follows:

6 (65 ILCS 5/7-3-6) (from Ch. 24, par. 7-3-6)

7 Sec. 7-3-6. The owner or owners of record of any area of
8 land consisting of one or more tracts, lying within the
9 corporate limits of any municipality may have such territory
10 disconnected which (1) contains 20 or more acres; (2) is
11 located on the border of the municipality; (3) if disconnected,
12 will not result in the isolation of any part of the
13 municipality from the remainder of the municipality, (4) if
14 disconnected, the growth prospects and plan and zoning
15 ordinances, if any, of such municipality will not be
16 unreasonably disrupted, (5) if disconnected, no substantial
17 disruption will result to existing municipal service
18 facilities, such as, but not limited to, sewer systems, street
19 lighting, water mains, garbage collection and fire protection,
20 (6) if disconnected the municipality will not be unduly harmed
21 through loss of tax revenue in the future. The procedure for
22 disconnection shall be as follows: The owner or owners of
23 record of any such area of land shall file a petition in the
24 circuit court of the county where the land is situated,
25 alleging facts in support of the disconnection. The
26 municipality from which disconnection is sought shall be made a
27 defendant, and it, or any taxpayer residing in that
28 municipality, may appear and defend against the petition. If
29 the court finds that the allegations of the petition are true
30 and that the area of land is entitled to disconnection it shall
31 order the specified land disconnected from the designated
32 municipality. If the circuit court finds that the allegations

1 contained in the petition are not true, the court shall enter
2 an order dismissing the petition.

3 An area of land, or any part thereof, disconnected under
4 the provisions of this Section from a municipality which was
5 incorporated at least 2 years prior to the date of the filing
6 of such petition for disconnection shall not be subdivided into
7 lots and blocks within 5 years ~~1 year~~ from the date of such
8 disconnecting. A plat of any such proposed subdivision shall
9 not be accepted for recording or registration within such time
10 ~~one year period~~, unless the land comprising such proposed
11 subdivision shall have been thereafter incorporated into a
12 municipality.

13 (Source: P.A. 83-1362.)

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