



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

**HB3492**

Introduced 2/22/2021, 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 bind 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.

LRB102 12548 AWJ 17886 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 bind 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  
7 of such territory from the municipality.

8 (b) The continuation in effect, or amendment, or  
9 continuation in effect as amended, of any ordinance relating  
10 to 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  
15 ordinance amendments provided in such agreement shall be  
16 enacted 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  
20 any 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  
16 accordance with law. This amendatory Act of 1995 is  
17 declarative of existing law and shall apply to all annexation  
18 agreements.

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

21 (65 ILCS 5/11-15.1-2.2 new)

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

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

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

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

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