



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2912

Introduced 1/20/2006, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

65 ILCS 5/7-3-6

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

Amends the Municipal Code. Provides that the owner of a single tract of land (instead of one or more tracts) may have all, but not less than all, of the territory disconnected from the municipality (now, does not require that the entire area is disconnected), provided that certain conditions are met.

LRB094 19175 HLH 54711 b

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

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

1 municipality. If the circuit court finds that the allegations
2 contained in the petition are not true, the court shall enter
3 an order dismissing the petition.

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

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