

SB2578



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2578

Introduced 2/15/2008, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

65 ILCS 5/7-3-6

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

Amends the Illinois Municipal Code. Adds a public notice requirement for certain disconnection proceedings. Provides that territory that has been disconnected may not be subdivided into lots and blocks within 3 years (now, one year) after the date of disconnection.

LRB095 19874 HLH 46273 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 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 future growth prospects, comprehensive ~~and~~
15 plan, public health and zoning ordinances, if any, of such
16 municipality will not be unreasonably disrupted, (5) if
17 disconnected, no substantial disruption will result to
18 existing municipal service facilities, such as, but not limited
19 to, sewer systems, protection of ground water resources, 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

1 record of any such area of land shall file a petition in the
2 circuit court of the county where the land is situated,
3 alleging facts in support of the disconnection. The
4 municipality from which disconnection is sought shall be made a
5 defendant, and it, or any taxpayer residing in that
6 municipality, may appear and defend against the petition.
7 Public notice shall be given of the filing of the petition to
8 disconnect in a newspaper of general circulation in the
9 municipality, within 20 days after the petition is filed with
10 the circuit court. The notice shall inform all taxpayers of
11 their right to appear and defend against the petition and shall
12 identify the territory to be disconnected, the court in which
13 the petition shall be heard, and the name and docket number of
14 the petition. In evaluating standards (1) through (6) in this
15 Section, the court shall consider evidence of (i) development
16 that would occur in the remaining part of the municipality but
17 for disconnection, (ii) the future development of the site,
18 (iii) the future development of the municipality, (iv) the
19 effect on tax revenue in the future, and (v) the best interests
20 of the community. Evidence of the best interests of the
21 community shall include and not be limited to evidence of
22 development plans, the result of any public hearing which the
23 municipality may, but is not obligated to, conduct on
24 disconnection of subject property, the trend of development,
25 effect upon ground water, compliance with municipal and
26 regional comprehensive plans, and compliance with other

1 statutes and intergovernmental agreements. If the court finds
2 that the allegations of the petition are true, that the
3 disconnection is in the best interest of the community, and
4 that the area of land is entitled to disconnection it shall
5 order the specified land disconnected from the designated
6 municipality. If the circuit court finds that the allegations
7 contained in the petition are not true, the court shall enter
8 an order dismissing the petition.

9 An area of land, or any part thereof, disconnected under
10 the provisions of this section from a municipality which was
11 incorporated at least 2 years prior to the date of the filing
12 of such petition for disconnection shall not be subdivided into
13 lots and blocks within 3 years after ~~1 year from~~ the date of
14 such disconnecting. A plat of any such proposed subdivision
15 shall not be accepted for recording or registration within such
16 3-year ~~one-year~~ period, unless the land comprising such
17 proposed subdivision shall have been thereafter incorporated
18 into a municipality.

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