

VILLAGE OF ISLAND LAKE
3720 Greenleaf Avenue
Island Lake, IL 60042



ANNEXATION PROCEDURES AND FORMS

It is the Petitioner's responsibility to conform to all current, applicable state and local statutory requirements and regulations. State Statutes and local regulations are subject to change.

The following procedures and forms relating to petitions for Annexation and Annexation Agreements are provided as a convenience and may be used as a template. Petitioners and/or Petitioners' Attorneys should verify that all applicable state and local statutory requirements and regulations have been met.

The Village also has sets of forms for Zoning Petitions. These forms may be used as a format.

No documents, ordinances, plats, summaries, etc. will be considered by any boards unless the appropriate originals and required copies are delivered to the Village Clerk ten (10) days prior to any scheduled meetings.

FILING: All original executed documents should be filed with the Village Clerk. In addition, eighteen (18) copies of all documents should be filed with the Village Clerk to be distributed by the Clerk as follows:

1. Seven (7) copies for the Mayor and Board of Trustees
2. Seven (7) copies for the Planning and Zoning Commission
3. One (1) copy for the Village Engineer
4. One (1) copy for the Village Attorney
5. One (1) copy for the Village Building Department
6. One (1) copy for the Village files

Originals and copies of all documents must be filed not less than ten (10) days prior to the scheduled hearing date.

FEES: Hearing fee is \$500.00

HEARING DATE: The Village Clerk will obtain hearing dates.

PUBLICATION OF NOTICES AND PREPARATION OF DOCUMENTS: It is the Petitioners obligation to prepare all documents including publication notices and applicable ordinances, etc. It is recommended that all proposed publication notices and ordinances be submitted to the Village Attorney for review and approval prior to publication. ALL HEARING DATES MUST BE CONFIRMED BY THE VILLAGE CLERK.

EXHIBITS: All exhibits should follow the numbering sequence and lettering set out in this format. If there are documents that the Petitioner does not feel would be appropriate to have multiple copies made, the Petitioner should obtain written direction from the Mayor or person designated by the Mayor as to whether or not he will be allowed to provide less than the required eighteen (18) copies, whether or not reduced copies in size are acceptable, whether or not summaries are acceptable, or whether or not several extra copies should be made available at the Village Clerk's office for inspection at that location.

PLATTING PROCEDURES: If a Petitioner is seeking formal preliminary plat review or formal preliminary and final plat review, the Village plat review procedures will have to be followed. The Village Clerk has a detailed outline of all the procedural requirements.

CHANGES AND MODIFICATIONS OF PROPOSED AGREEMENTS, ORDINANCES, PLANS, ETC.: Once an original set of documents have been filed, all changes or modifications in any of those documents should be done with underlining, crossing out and dating each and every change in the document. The symbols to be used shall be as follows:

1. Date document revision date in the upper right-hand corner of the cover page and in the margin where every change is made.
2. Eliminating words, sentences or paragraphs use.
3. Insert additional paragraph(s) use*.
4. Page number all documents.
5. Use other symbols or line-outs as you may deem appropriate.

VILLAGE OF ISLAND LAKE
INDEX FOR ANNEXATION AND ZONING

<u>PRELIMINARY CHECK LISTS AND PROCEDURAL DOCUMENTS</u>	<u>Annexation Form #</u>
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ZONING FORMS

1. Zoning Petition, Filed: _____ 20____ (with exhibits)
 - Exhibit "A" — Zoning Legal Description
 - Exhibit "B" — Zoning Plat
 - Exhibit "C" — Last Taxpayers of Record
 - Exhibit "D" — Affidavit of Beneficial Interest
 - Exhibit "E" — Affidavit of Posting

2. Zoning Notice, Published: _____, 20____, Filed: _____, 20____
 - Publisher's Certificate Filed: 20____
 - Notice to Taxpayers: 20____
 - Affidavit of Service on Taxpayers, Filed: 20____
 - Posting of Zoning Notice on Property, Completed: 20____
 - Affidavit of Posting Filed: _____ 2001

3. Ordinance Granting Zoning Approval
 - Passed: 20____
 - Ordinance No. _____ - _____

4. Petition for Annexation, Filed: _____, 20____ (with exhibits)
 - Exhibit "F", Legal Description, and Annexation Legal including the far side of any abutting public roads
 - Exhibit "G" — Electors residing on property
 - Exhibit "H" — Annexation Plat

Ordinance annexing the property to the Village
 Passed: _____ 20____
 Ordinance No. _____

Recorded in the County of _____ on _____, 20____ as
 Document No. _____ and filed with the County Clerk on _____, 20____.

5. Petition for Annexation Agreement, Filed: _____ 2001
 - Exhibit "E" — Legal Description
 - Exhibit "I" — Annexation Agreement
 - Exhibit "J" — Concept Plan

Annexation Notice, Published: _____, 20____
 Publisher's Certificate Filed: _____, 20____
 Sent to Taxpayers: _____, 20____

WHEN APPLICABLE:

Notice to Township Board of Trustees and Highway Commissioner, Sent: 20____
Proof of Service Filed: _____20____

6. Ordinance Approving an Annexation Agreement

Passed: _____, 20____
Filed on: _____, 20____

- Exhibit "E" — Legal Description
- Exhibit "H" — Annexation Agreement

(The Final Plat of Annexation needs to be certified by the Village Clerk so that it can be recorded in accordance with 65 ILCS 5/7-1-10.)

Annexation Agreement (Exhibit "H")

- Exhibit "E" — Legal Description
- Exhibit "I" — Concept Plan

7. Notice to Election Authorities

Notice to Election Authorities was given when the Ordinance Annexing the property was filed on _____, 20____ in the office of the County Clerk.

Notice sent to the US Postal Service, Sent: _____, 20____

8. Additional Documents:

EXHIBITS FOR ZONING AND ANNEXATION

Name of Project: _____

- Exhibit "A" — Zoning Legal Description
- Exhibit "B" — Zoning Plat
- Exhibit "C" — Last Taxpayers of Record
- Exhibit "D" — Affidavit of Beneficial Interest
- Exhibit "D" — Affidavit of Posting
- Exhibit "E" — Legal Description — Annexation
- Exhibit "F" — Electors Residing on Property
- Exhibit "G" — Annexation Plat
- Exhibit "H" — Annexation Agreement
- Exhibit "I" - Concept Plan

Other Exhibits: _____

By using this list of exhibits, you can cross-reference where the same exhibit is used in various documents. Please note that the zoning description would be the description of property actually owned by the Petitioner (Exhibit "A") and the annexation legal (Exhibit "E") includes not only property actually owned by the Petitioner, but property to the far side of any abutting public roads.

DISTRIBUTION LIST

Distribution list shall include all parties' names, addresses, telephone numbers and fax numbers.

NAME OF PROJECT _____

- ____ Petition for Annexation
- ____ Petition for Annexation Agreement
- ____ Petition for Zoning
- ____ Request for Platting
- ____ PUD Request
- ____ Others: _____

PETITIONER(S)

Name _____

Address _____

Phone # _____ - _____ - _____ Fax # _____ - _____ - _____

ATTORNEY FOR PETITIONER(S)

Name _____

Firm Name _____

Address _____

Phone # _____ - _____ - _____ Fax # _____ - _____ - _____

ENGINEER FOR PETITIONER(S)

Name _____

Firm Name _____

Address _____

Phone # _____ - _____ - _____ Fax # _____ - _____ - _____

OTHER CONSULTANTS

Site Planner _____

Traffic Consultant _____

Tax Consultant _____

Financial Consultant _____

Architect _____

Other _____

ATTORNEY

David W. McArdle
Zukowski, Rogers, Flood & McArdle
50 Virginia Street
Crystal Lake, IL 60014
Phone: 815-459-2050, ext. 112
Fax: 815-459-9057

ENGINEER

Baxter & Woodman
8678 Ridgefield Road
Crystal Lake IL 60012
Phone: 815-459-1260
Fax: 815-455-0450 — Fax

VILLAGE OF ISLAND LAKE

3720 Greenleaf Avenue
Island Lake IL 60042
Phone: 847-526-8764
Fax: 847-526-1534

Charles R. Amrich, Mayor
847-526-8764, ext. 7855

Georgine Cooper, Clerk
847-526-8764, ext. 7858

Wayne Schnell, Building Commissioner
847-526-8764, ext. 7862

VILLAGE COPY
FOR OFFICE USE

CHECKLIST FOR PETITIONS FOR ANNEXATION UNDER 65 ILCS 5/7-1-8:

1. Signed by all the owners of record;
2. Outside the corporate limits of any municipality;
3. Contiguous to the municipality at time of annexation;
4. Petition signed by at least 52% of any electors residing on the property (electors defined as a person having a right to vote);
5. Automatic zoning unless there is a zoning hearing and a pre-annexation agreement, 65 ILCS 5/7-1-47, most restrictive zoning;
6. FIRE PROTECTION or LIBRARY DISTRICT, 65 ILCS 5/7-1-1 — If municipality provides for fire protection or public library facilities and the property to be annexed is part of a fire protection district or a public library district, the Trustees of each district shall be notified in writing by certified or registered mail before any action is taken for annexation (ten (10) day advance notice);
7. Affidavit of Service of Notice MUST BE FILED WITH THE RECORDER of the County where the land is situated;
8. Township Roads, 65 ILCS 5/7-1-1 — Any township roads within the area being annexed or adjacent to the area being annexed shall be included. The Township Commissioner of Highways and the Township Board of Trustees shall be notified in writing by certified or registered mail before any action is taken for annexation.

OPTIONAL PLEADINGS

The following are additional pleadings that may be included in the Petition for Annexation:

1. The Village does (not) provide municipal library facilities.
2. The Village does (not) provide municipal fire protection facilities.
3. The territory to be annexed is in the _____ Fire Protection District.
4. The territory to be annexed is in the _____ Public Library District.
5. There are (not) township roads in the property to be annexed or adjacent to the property to be annexed.
6. Attached hereto and by this reference made a part hereof as Exhibit " " is an annexation plat of the territory to be annexed.
7. The annexation is subject to the condition that the Village approves a mutually agreed upon annexation agreement.

ADDITIONAL NOTES:

Plat of Annexation: A Plat of Annexation should be drawn which not only includes the property owned by the Petitioner, but also extends to the far side of any adjacent roads.

The actual annexation legal should include to the far side of all roads. If there are petitions for zoning, the legal on the Zoning Petition may be different since that is the legal of what the person owns, however, at the time of annexation, the village will probably zone all of the property being annexed.

Try to avoid confusion between the legal description of what the Petitioner owns and the legal description of what is actually and ultimately annexed.

PROCEDURES FOR ANNEXATIONS

OUTLINE OF PROCEDURES

INFORMAL PRESENTATION TO VILLAGE BOARD:

This is OPTIONAL: If Petitioner requests to make an informal presentation to the Village Board Petitioner should contact the Village Clerk not less than ten (10) days prior to a regular Village Board meeting and present the Clerk with a short written summary of the Petitioner's proposal. Summary should include a description of the land, tax identification numbers of the land, and a brief general statement as to the proposed agreement and/or development. The Petitioner will be allocated up to fifteen (15) minutes at the Village Board meeting for the informal presentation.

Date of meeting _____, 20_____

RESULTS OF INITIAL INFORMAL MEETING:

- A. Petitioner should determine whether or not he wishes to proceed with the proposed annexation.
- B. Retained Personnel Deposit: Before the Village schedules any special meeting or does any further review of the Petitioner's request, a retained personnel deposit shall be made by the Petitioner in an amount that the Board determines is adequate to cover anticipated costs of the Village. The retained personnel deposit shall remain as a security deposit to guarantee that the developer will pay all actual expenses incurred by the Village in connection with the proposed annexation as they are billed. Said expenses shall include the costs of special meetings, staff review by retained personnel of the Village including Village Attorney and Village Engineer, etc.

FILING REQUIREMENTS:

The following documents shall be filed by the Petitioner prior to being given any hearing dates:

- A. Retained Personnel Deposit Amount Paid _____ Date Paid _____, 20_____
- B. Plat of Survey of the property owned by the Petitioner. The survey shall be in conformance with the Illinois Land Survey standards adopted by the Illinois Registered Land Surveyors Association and shall be currently certified by an Illinois Land Surveyor showing the location of all buildings, building lines, and showing any encroachments of improvements from or onto adjoining properties.
- C. Plat of Annexation: The Plat of Annexation should include the Petitioner's property and extend to the far side of any adjacent roads.
- D. Notices: The following notices shall be prepared by the Petitioner and filed with the Petitions.
 - 1. Publication Notice for Annexation Agreements, 65 ILCS 5/7-1-1. This provision requires the Village Board to fix a time to hold a public hearing on the proposed Annexation Agreement and requires a publication notice of the hearing not less than fifteen (15), nor more than thirty (30) days before the date fixed for the hearing.
 - 2. The Petitioner should prepare the publication notice when the Village approves the form of the Notice and gives the Petitioner the hearing date. It is the Petitioner's obligation to have the notice published and to provide a certified copy of such notice to the Village Clerk not less than five (5) days prior to the scheduled meeting.

Date Publication notice form filed with the Village Clerk _____, 20_____

Hearing Date _____, 20_____ Date Publication Certificate Filed with Clerk _____, 20_____

- 3. Notice to Township Highway Commissioners and Township Board of Trustees.
 - a. Township Authorities: Chapter 24, Section 7-1-1. If the property being annexed abuts any township roads, the Township Commissioner of Highways and Township Board of Trustees shall be notified in writing, by certified or registered mail before any action is taken on the annexation.

Date copy of Notice and Proof of Service of Notice on Township Highway Commissioner and Township Board of Trustees filed with the Village Clerk _____

- b. The Village does not provide municipal fire protection or municipal library facilities and therefore no notice to the fire protection district or library district is required.
- 4. Zoning Publication Notices and Notices to Abutting Taxpayers of Record. These should be prepared and filed with the Village Clerk in accordance with the Village's rules of procedure for zoning hearings.

E. Petition for Annexation Agreement, 65 ILCS 5/11-15.1-1. The Petition should include a proposed annexation agreement.

F. Petition for Annexation, 65 ILCS 5/7-1-1 and 65 ILCS 5/7-1-8. All of the owners of record and 51% of the electors residing on the land.

Date Petition filed with the Village Clerk _____, 20__

G. Optional method of annexation and immediate zoning to highest restrictive use: 65 ILCS 5/7-1-47. The Village has provided by Ordinance that territory annexed is automatically classified to the highest restrictive use under the Village's Zoning Ordinance.

- 1. If the Petitioner elects to proceed under this format, only a Petition for Annexation needs to be filed. No Annexation Agreement is needed and no publication notice is required. If the property abuts a township road, notice to the Township Highway Commissioner and Township Board of Trustees is required.
- 2. The Village Board may consider this at any regular or special meeting.

SETTING THE DATE FOR HEARING: The Village Board will set the date for hearings after all required documents have been filed. The Village in its discretion may set joint meetings or separate meetings before the appropriate hearing bodies.

A. Joint meeting of all boards: If the Village Board determines that a joint meeting of all appropriate Boards would be appropriate, the Village Board may set a combined meeting of the Village Board of Trustees, Zoning Board of Appeals, and Planning Commission and conduct a combined public hearing on the issues of annexation, annexation agreement and zoning.

B. Separate meetings: The Village Board may direct that the Zoning Board and/or Planning Commission conduct separate hearings and make recommendations to the Village Board.

Date and time of meeting of Zoning Board of Appeals _____, 20____, _____ pm

Date and time of meeting of Planning Commission _____, 20____, _____ pm
(The Village may only require proposed annexations with changes of zoning to go before the Planning Commission if the zoning request does not coincide with the current official plan of the Village.)

C. Staff review meetings prior to setting of hearings: When appropriate, the Village Board may direct that staff review meetings be held prior to the granting on any hearing dates.

Date Staff Review meeting _____, 20____

DOCUMENTS TO BE PREPARED AFTER HEARINGS: All proposed final documents should be prepared by the Petitioner and submitted to the Village for staff review before any final approval by the Village Board. All proposed final documents should be blue-backed and prepared in triplicate.

Final documents should include the following:

1. Ordinance authorizing the execution of Annexation Agreement
2. Ordinance Annexing
3. Annexation Agreement
4. Zoning Ordinance

NUMBER OF COPIES:

- A. Original and twenty-five (25) copies of all filing documents should be provided to the Village Clerk.
- B. If there are documents you are filing which you feel would not be practical to provide twenty five (25) copies of, permission to file less should be obtained from the Village Official designated by the Mayor to give such consent.

STATUTORY REFERENCES

1. 65 ILCS 5/7-1-47, Automatic zoning of newly annexed land to most restrictive classification.
2. Annexations and Notice to library districts, fire protection districts, township highway commissioner and township board of trustees. 65 ILCS 5/7-1-1.
3. 65 ILCS 5/7-1-8 written petition signed by all of the owners and 51% of the electors.
4. Annexation Agreements, 65 ILCS 5/11-15.1-1
 - a) Notice Provisions 65 ILCS 5/11-15.1-3, not less than 15 nor more than 30 days and 2/3rds vote of corporate authorities holding office.

NOTES TO PETITIONERS

Enclosed is a form Petition for Annexation.

1. If there are no electors residing on the property, there is no need for Exhibit "B".
2. If there are electors residing on the property, at least 51% must sign the Petition. (Electors means persons entitled to vote)
3. If property is owned in individuals' name, the individuals must sign the petition.
4. If title to the property is in a land trust, the land trustee must sign the petition and any agreements. The beneficiaries will probably also be required to sign the final annexation agreement as well as developers or other possible responsible parties. If the property is in a land trust, the trustee must execute an Affidavit of Beneficial Interest. Copies of the form Affidavit of Beneficial Interest are available in the Village Zoning Forms.
5. LEGAL DESCRIPTION: The legal description, Exhibit "A", should be verified from one of the following items:
 - a) An actual copy of the recorded deed to the property; or
 - b) A copy of the plat of survey of the property; or
 - c) A copy of a title insurance policy, title insurance commitment letter, or mortgage title insurance policy.

OWNER'S SHORT FORM CHECK LIST

Checklist which petitioners may wish to use when there are multiple owners or electors

Parcel No. _____

Permanent Index Number: _____

Name of property owner: _____

Common street address of property owner (if any): _____

Name of last taxpayer of record (if different from owner): _____

Address of last taxpayer of record: _____

Property improved with: _____

Are there any registered voters residing on the property as of 2001? Yes _____ No _____

If yes, names:

