

CHAPTER 82

ANNEXATION

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CHAPTER 82

ANNEXATION

SECTION 82.01 Purpose.

The purpose of this chapter is to establish a uniform and consistent annexation procedure for the mutual benefit of the Village and any party petitioning for annexation.

SECTION 82.02 Applicability.

This chapter shall apply to all annexations initiated after the effective date of this chapter.

SECTION 82.03 Preliminary Procedures.

- (a) **State Statutes.** The statutory procedures for initiating and pursuing an annexation request with the Village shall be followed.
- (b) **Development Plan Required.** At or before the time of presenting an annexation petition, the petitioner shall submit to the Village Administrator/Clerk-Treasurer a development plan for the entire area proposed for annexation. The development plan shall show the general layout and density of any proposed development, shall indicate the anticipated usage(s) of the land and the contemplated development schedule, and shall note what zoning will be requested to accommodate the proposed development. In lieu of submitting a development plan, the petitioner may proceed directly with the submittal of a preliminary plat or certified survey map as part of the annexation request. If the developer submits a development plan, the following information shall be provided:
 - (1) An explanation of the reason for the proposed annexation.
 - (2) A detailed description of any development that is intended to occur on the property subsequent to annexation.
 - (3) A land use plan and transportation plan per DOT guidelines for the property subsequent to annexation.
 - (4) A detailed description of the municipal services needed to serve the property subsequent to annexation and a proposal regarding how those services should be provided to the property.
 - (5) Documentation satisfactory to the Village that the proposed annexation complies with the applicable state annexation statutes and that the appropriate procedural steps have been satisfied. For example, such documentation could include an affidavit of publication stating that the class 1 notice of intention to circulate petition has been published.
 - (6) Any proposed temporary or permanent zoning for the annexed property, and the reason for such proposed zoning.
 - (7) A proposed preliminary plat or concept plan, if the property is intended to be divided subsequent to annexation.

- (8) Any other information reasonably required by the Village.
- (c) **Financial Analysis Report.** To help with the evaluation process, the Village Board shall require the preparation of a detailed financial analysis report addressing the impact the proposed annexation would have on Village revenues and the cost to provide municipal services to the property. The report shall be prepared by the Village with the help of the Village Engineer, Village Accountant and any other professional the Village Board deems appropriate. The annexation petitioner shall be responsible for reimbursing the Village of all costs associated with the preparation of the report. Such reimbursement should be addressed in the pre-annexation agreement. The report should include the following information:
- (1) An estimate of the Village revenue that would be derived from the property.
 - (2) An estimate of the Village's cost to provide police, fire and emergency medical services to the annexed property after the property has been fully developed.
 - (3) An estimate of the Village's cost to provide public works services and facilities to the annexed property after the property has been fully developed (such as street construction and maintenance, the construction and maintenance of storm water management facilities).
 - (4) An estimate of the Village's cost to provide sanitary sewer and water service to the annexed property after the property has been fully developed.
 - (5) An estimate of the Village's cost to provide library, park and recreational facilities and services to the annexed property after the property has been fully developed.
 - (6) An estimate of the Village's cost to provide administrative services (such as services provided by the Village Administrator/Clerk-Treasurer, the Village Assessor, the Village Building Inspector, the Village Engineer, the Village Attorney) and facilities to the annexed property after the property has been annexed.
 - (7) As estimate of the School District's costs to provide public school services and facilities to the annexed property after the property is fully developed.
 - (8) Any other information reasonably required by the Village.

SECTION 82.04 Annexation Factors. In order to evaluate the impact of a proposed annexation on the Village, the Village may consider any factor it considers relevant including, but not limited to, the following factors:

- (a) Whether the property is located within a Village urban service area.
- (b) Whether the property is located within a planned Village growth area as identified in a Village Land Use Map.

- (c) Whether the Village possesses adequate sanitary sewer capacity to serve the property once it is developed.
- (d) Whether the Village possesses adequate municipal water capacity to serve the property once it is developed.
- (e) Whether the Village possesses adequate police, fire, emergency medical, public works, and administrative services to serve the property once it is developed.
- (f) The cost of providing Village municipal services to the property once it is developed.
- (g) Whether it is desirable to extend Village municipal services to the property.
- (h) What impact the proposed annexation and development have on municipal services in the Village, and how the Village will provide such services to the property.
- (i) The amount of property tax and other Village revenue generated by the property once it is developed.
- (j) Whether any deficiency in the provision of municipal services can be addressed by the Village and petitioner through a pre-development agreement.
- (k) Whether the annexation is consistent with the goals, objectives, policies and recommendations of the current Village Master Plan.
- (l) Whether the annexation is reasonably suitable and acceptable to the Village's needs.
- (m) Whether the Village has a present or future need to annex the property based on the following factors:
 - (1) The necessity for orderly development of the Village.
 - (2) The necessity to accommodate any increase in the Village population.
 - (3) The necessity to accommodate any increase in population and economic growth that has occurred outside of the Village boundaries in planned Village growth areas.
 - (4) The need for additional areas within the Village to accommodate present or reasonably anticipated industrial, commercial, residential, or institutional growth.
 - (5) The need to avoid potential detrimental effects to the Village if the property is developed outside of the Village.
- (n) Whether the annexation provides benefits to the property that can be realized only by annexation to the Village.

SECTION 82.05 Pre-annexation Agreement.

- (a) **Pre-annexation Agreement Required.** The Village Board shall require that the petitioner(s) enter into a pre-annexation agreement before any annexation will be approved. The pre-annexation agreement shall delineate the respective

expectations, obligations and commitments made by each party as a part of the annexation process and contain any conditions of annexation.

- (b) **Conditions.** The conditions that may be placed upon the annexation as the Village Board deems necessary and appropriate include, but are not limited to, the following:
- (1) Village Board approval of certified survey map or preliminary plat for the lands proposed for annexation.
 - (2) Village Board approval of the requisite zoning.
 - (3) Payment, or satisfactory arrangements for payment to be made, of all fees deemed reasonable and just by the Village Board for the applicable annexation.
 - (4) Reimbursement of all annexation-related costs incurred by the Village as required by this chapter.
 - (5) Compliance with all applicable state laws and local ordinances and policies.
 - (6) Other terms or conditions the Village Board deems appropriate.

SECTION 82.06 Reimbursement of Village Costs.

The petitioner(s) shall reimburse the Village for all engineering, consulting, and legal fees incurred by the Village in connection with the requested annexation.

SECTION 82.07 Adoption of Annexation Ordinance.

- (a) **Adoption of Ordinance With or Without Contingencies.** When the Village Board determines that an annexation should be approved in accordance with the statutes, it will proceed with adoption of an annexation ordinance with or without contingencies as appropriate.
- (b) **Effective Date of Annexation.** The annexation ordinance shall not be deemed unconditionally enacted until all contingencies imposed have been satisfied and the Village President and Administrator/Clerk-Treasurer sign the annexation ordinance. Accordingly, where contingencies are imposed as part of the annexation ordinance, the effective date of the annexation shall be the date the ordinance is signed.

SECTION 82.08 Variances and Waivers.

The Village Board may, in its discretion, grant a variance or waiver from the terms of this chapter if it determines that it would substantially impair the overall intent of this chapter and would be detrimental to the public good to enforce the terms of this chapter strictly. The granting of any such variance or waiver shall require a three-fourths affirmative vote

of the entire Village Board. A public hearing, preceded by a Class 2 notice, is required before any variance or waiver can be granted.