



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4282

by Rep. Kelly M. Burke

SYNOPSIS AS INTRODUCED:

65 ILCS 5/7-3-6

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

Amends the Illinois Municipal Code. Provides that the owner of record of territory may have the territory disconnected from the corporate limits of a municipality if it does not contain any territory designated as part of a redevelopment project area or any territory otherwise subject to tax increment financing by the municipality. Effective immediately.

LRB100 16652 AWJ 31790 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 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 growth prospects and plan and zoning
15 ordinances, if any, of such municipality will not be
16 unreasonably disrupted; (5) if disconnected, no substantial
17 disruption will result to existing municipal service
18 facilities, such as, but not limited to, sewer systems, street
19 lighting, water mains, garbage collection, and fire
20 protection; (6) if disconnected, the municipality will not be
21 unduly harmed through loss of tax revenue in the future; and
22 (7) does not contain any territory designated as part of a
23 redevelopment project area as that term is defined in

1 subsection (p) of Section 11-74.4-3 of this Code or any
2 territory otherwise subject to tax increment financing by the
3 municipality. The procedure for disconnection shall be as
4 follows: The owner or owners of record of any such area of land
5 shall file a petition in the circuit court of the county where
6 the land is situated, alleging facts in support of the
7 disconnection. The municipality from which disconnection is
8 sought shall be made a defendant, and it, or any taxpayer
9 residing in that municipality, may appear and defend against
10 the petition. If the court finds that the allegations of the
11 petition are true and that the area of land is entitled to
12 disconnection it shall order the specified land disconnected
13 from the designated municipality. If the circuit court finds
14 that the allegations contained in the petition are not true,
15 the court shall enter an order dismissing the petition.

16 An area of land, or any part thereof, disconnected under
17 the provisions of this Section from a municipality which was
18 incorporated at least 2 years prior to the date of the filing
19 of such petition for disconnection shall not be subdivided into
20 lots and blocks within one year from the date of such
21 disconnecting. A plat of any such proposed subdivision shall
22 not be accepted for recording or registration within such one
23 year period, unless the land comprising such proposed
24 subdivision shall have been thereafter incorporated into a
25 municipality.

26 (Source: P.A. 97-333, eff. 8-12-11.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.