



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5855

Introduced 11/10/2020, by Rep. Kambium Buckner

SYNOPSIS AS INTRODUCED:

70 ILCS 2605/89 new

Amends the Metropolitan Water Reclamation District Act. Provides conditions and restrictions for the board of the Metropolitan Water Reclamation District of Greater Chicago to authorize the District to petition a municipality for the voluntary annexation of District land. Provides conditions for an annexation agreement with a municipality regarding the voluntary annexation of District land. Provides for the recovery of costs and attorney fees associated with a voluntary annexation if a municipality uses District land to satisfy a forcible annexation predicate in violation of an annexation agreement. Defines terms.

LRB101 21715 AWJ 72660 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 Metropolitan Water Reclamation District Act
5 is amended by adding Section 89 as follows:

6 (70 ILCS 2605/89 new)

7 Sec. 89. Voluntary annexation of District land.

8 (a) As used in this Section:

9 "Board" means the Board of Commissioners of the District.

10 "District" means the Metropolitan Water Reclamation
11 District of Greater Chicago.

12 "District land" means land, the title to which is owned in
13 fee simple by the District.

14 "Forcible annexation" means an annexation pursuant to
15 Section 7-1-13 of the Illinois Municipal Code.

16 "Forcible annexation predicate" means the requirements set
17 forth in Section 7-1-13 of the Illinois Municipal Code that
18 cause land to be subject to forcible annexation.

19 "Voluntary annexation" means an annexation pursuant to
20 Section 7-1-8 of the Illinois Municipal Code.

21 (b) The Board shall not authorize the District to petition
22 a municipality for the voluntary annexation of District land
23 unless all of the following are satisfied:

1 (1) The voluntary annexation of District land is
2 necessary for the District to accomplish a specific
3 governmental or operational purpose, function, or activity
4 of the District authorized by Sections 7 through 7h of this
5 Act.

6 (2) The District has entered into an annexation
7 agreement that complies with the requirements of
8 subsection (c) with the municipality to which the District
9 land will be annexed by voluntary annexation.

10 (3) Reputable outside counsel has provided a written
11 opinion that the proposed voluntary annexation of District
12 land and the proposed annexation agreement will not violate
13 Division 1 of Article 7 of the Illinois Municipal Code.

14 (c) The Board shall not authorize the District to enter
15 into an annexation agreement with a municipality regarding the
16 voluntary annexation of District land unless the annexation
17 agreement satisfies all of the following requirements:

18 (1) The municipality must represent and warrant in the
19 annexation agreement that the municipality will not use the
20 District land that is subject to voluntary annexation
21 pursuant to the annexation agreement to satisfy a forcible
22 annexation predicate.

23 (2) The annexation agreement must provide that if the
24 municipality commences the process for the forcible
25 annexation of land that uses District land to satisfy a
26 forcible annexation predicate that is or was subject to

1 voluntary annexation pursuant to an annexation agreement:

2 (i) the municipality shall be in default under the
3 annexation agreement; (ii) the District shall have the
4 right to petition for disconnection of the District land
5 from the municipality; (iii) the municipality shall
6 consent to the District's petition for disconnection of the
7 District land; (iv) the municipality shall pay all costs,
8 including reasonable attorneys' fees, incurred by the
9 District in connection with the disconnection of the
10 District land from the municipality; (v) the District shall
11 have no further obligation to the municipality under the
12 annexation agreement; and (vi) upon the disconnection of
13 the District land from the municipality, the annexation
14 agreement shall automatically terminate and become null
15 and void in all respects without further action by the
16 District.

17 (d) If a municipality uses District land to satisfy a
18 forcible annexation predicate in violation of an annexation
19 agreement, as set forth in paragraph (2) of subsection (c), the
20 Board shall exercise its right under the annexation agreement
21 to petition for disconnection of the District land and to
22 recover from the municipality all costs, including reasonable
23 attorneys' fees, incurred by the District associated with such
24 disconnection.

25 (e) The Board shall not authorize the sale of any District
26 land if: (1) such sale would result in the annexation of the

1 District land pursuant to Section 8 of this Act and Section
2 7-1-49 of the Illinois Municipal Code; and (2) such sale and
3 annexation of District land are made for the purpose of
4 avoiding the requirements of this Section. Every motion,
5 resolution, ordinance, or other action of the Board authorizing
6 competitive bidding for the sale of any District land and the
7 conveyance of any District land shall affirmatively state that
8 such competitive bidding and conveyance is not made for the
9 purpose of avoiding the requirements of this Section.

10 (f) Every purchaser of District land shall, by affidavit,
11 represent and warrant to the District in the purchaser's bid
12 and, after a bid is accepted by the District, in the conveyance
13 documents transferring title to the District land to the
14 purchaser, that the purchaser is not purchasing the District
15 land solely for the purpose of assisting a municipality in
16 annexing the District land.