



Annexation Information & Application Packet

Introduction

This information packet was created to assist property owners in unincorporated areas who may be considering annexation of their land to the Village of Lemont. The packet presents an overview of the procedures and requirements for annexation requests. It also includes all forms and information necessary to compile a complete annexation application. However, this packet does not have any statutory standing and should not be considered a substitute for the actual law, ordinances, codes, or policies of the Village of Lemont. At a minimum, those considering an annexation request should consult the Lemont Unified Development Ordinance (UDO) and Section 7-1-1 of the Illinois Municipal Code (65 ILCS 5/). Also, applicants should consider a meeting with Planning & Economic Development Department staff prior to submitting an annexation application.

What Property Can be Annexed?

Section 7-1-1 of the Illinois Municipal Code (65 ILCS 5/) provides that any property that is not within the corporate limits of any municipality, but is contiguous to a municipality, may be annexed to that municipality. Generally, for a property to be considered contiguous to a municipality, the property must be immediately adjacent to the municipality boundary. Section 7-1-1 of the Illinois Municipal Code describes situations where a property can be considered contiguous even if it is not immediately adjacent to the municipality boundary. For example, if a property is separated from the municipal boundary by an unincorporated public utility easement, the property can still be considered contiguous to the municipal boundary.

Different properties have different extents of contiguity with a municipal boundary. For example, one property may be bordered by a municipality along two of its four property lines. Another property may only border a municipality along one quarter of one of its property lines. Various court decisions have provided guidance on the amount of contiguity necessary to qualify for annexation. In general, 300 feet of contiguity with the municipality will suffice to qualify for annexation.

Planning & Economic Development Department staff can help you determine whether your property is contiguous to the Village of Lemont.

Application, Review, and Approval Process

Annexing property to the Village of Lemont generally involves at least two components, annexation and an annexation agreement. Each is accomplished through the adoption of an ordinance. The annexation ordinance is the document that actually annexes the property to the Village. The annexation agreement ordinance authorizes the Village to sign an annexation agreement with the applicant. An annexation agreement is a negotiated agreement between the Village and the applicant that details all the conditions placed upon the property to be annexed.

A third ordinance is usually involved when property is annexed to the Village, however it is not required. UDO Section 17.05.030 states that all land annexed into the Village will be zoned R-1 unless a rezoning is processed. Since R-1 is the Village's most restrictive zoning district, most applicants requesting an annexation request a rezoning at the same time. Applicants can request a specific zoning category and, if approved, the new zoning will be adopted by ordinance at the same time as the annexation and annexation agreement. UDO Section 17.05 and 17.06 provide detailed information regarding each zoning district. This information package includes everything necessary to apply for annexation with or without a request for rezoning.

To apply for an annexation, an applicant must submit all of the items listed on the attached *Annexation Application Checklist of Required Materials* to the Planning & Economic Development Department. The Planning & Economic Development Director may request additional plans or documentation as necessary, depending on the complexity of the annexation request. The Planning & Economic Development Department staff will review the application for completeness. If the application is incomplete, the applicant will be notified and no further action will be taken by the Department staff until the application has been completed. If the application is not completed within 90 days, the application may be considered withdrawn.

If the application is complete, the Planning & Economic Development staff will schedule a public hearing before the Planning & Zoning Commission for the rezoning request, if applicable. The Planning & Zoning Commission is an advisory board appointed by the Village Mayor. It meets on the third Wednesday of every month.

If the annexation request includes a rezoning, the applicant must fulfill the public notice requirements detailed in the attached *Annexation Public Notice Requirements* prior to the scheduled public hearing. Failure to complete the required public notice could result in cancellation or postponement of the public hearing.

If the annexation does not include a rezoning, the Planning & Zoning Commission will still review the annexation request, but the item will not be classified as a public hearing, and the applicant will not have to fulfill any public notice requirements. Once the Planning & Zoning Commission has reviewed the request or held a public hearing, as applicable, it will recommend approval or denial of the annexation, and if applicable, rezoning. The recommendation will be forwarded to the Village Board.

Annexation requests are generally required to be presented at a Committee of the Whole meeting prior to the Village Board meeting. The Committee of the Whole is comprised of all members of the Village Board; it is an informal, working session for the Board. No official action is taken at this meeting.

At the Village Board meeting, the Village Trustees will hold a public hearing on the annexation agreement. After closing the annexation agreement public hearing, the Board will either approve or deny the annexation, annexation agreement, and, if applicable, rezoning. If the requests are approved, they will be approved by the adoption of individual ordinances at the meeting. Once approved, the property becomes a part of the Village of Lemont.

Attachments:

1. Annexation Application Form
2. Annexation Application Checklist of Required Materials
3. Annexation Petition
4. Annexation Public Notice Requirements
5. Affidavit of Public Notice

Annexation Application Form (with or without rezoning)

TYPE OF APPROVAL REQUESTED**CHECK ALL THAT APPLY:**

- Annexation and Annexation Agreement
 Rezoning

APPLICANT INFORMATION

Applicant Name

Company/Organization

Applicant Address

Telephone & Fax

E-mail

CHECK ONE OF THE FOLLOWING:

- Applicant is the owner of the subject property and is the signer of this application.
 Applicant is the contract purchaser of the subject property.
 Applicant is acting on behalf of the beneficiary of a trust.
 Applicant is acting on behalf of the owner.

PROPERTY INFORMATION

Address of Subject Property/Properties

Parcel Identification Number of Subject Property/Properties

Size of Subject Property/Properties

DESCRIPTION OF REQUEST

Brief description of the proposed annexation/rezoning

REQUIRED DOCUMENTS

See Form 506-A, *Annexation Application Checklist of Required Materials*, for items that must accompany this application.

FOR OFFICE USE ONLY

Application received on: _____

By: _____

Application deemed complete on: _____

By: _____

Current Zoning: _____

Fee Amount Enclosed: _____

Escrow Amount Enclosed: _____

APPLICATION FEE & ESCROW

Rezoning Application Fee (based on size of property to be rezoned):

< 2 acres = \$300 10 to < 20 acres = \$1,000
2 to < 5 acres = \$500 20 acres or more = \$1,250
5 to < 10 acres = \$750

Annexation Application Fee = \$250 (per zoning lot)

Fee is non-refundable. A zoning lot is defined as "a single tract of land located within a single block that (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon, under single ownership or control" (Unified Development Ordinance Chapter 17.02).

Required Escrow = \$750 for annexation, plus \$500 for rezoning

At the time of application, the applicant shall submit a check for the establishment of an escrow account. The escrow money shall be used to defray costs of public notice, consultants, or other direct costs incurred by the Village in association with the annexation application. Additionally, should the applicant fail to remove the required public notice sign in a timely manner, the escrow account may be used to defray the costs of the sign's removal. After completion of the annexation review process, any unused portion of the escrow account will be refunded upon request.

AFFIRMATION

I hereby affirm that I have full legal capacity to authorize the filing of this application and that all information and exhibits herewith submitted are true and correct to the best of my knowledge. I permit Village representatives to make all reasonable inspections and investigations of the subject property during the period of processing of this application. I understand that as part of this application I am required to establish an escrow account to pay for direct costs associated with the approval of this application, such as the fulfillment of public notice requirements, removal of the public notice sign, taking of minutes at the public hearing and fees for consultants hired by the Village to evaluate this application. I understand that the submitted fee is non-refundable and that any escrow amount leftover upon project completion will be refunded upon request. I understand that I am responsible for the posting of a public hearing sign and for the mailing of legal notice to all surrounding property owners as required by Village ordinances and state law.

Signature of Applicant

Date

State

County

I, the undersigned, a Notary Public in and for the aforesaid County and State, do hereby certify that _____ is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and that said person signed, sealed and delivered the above petition as a free and voluntary act for the uses and purposes set forth.

Notary Signature

Given under my hand and notary seal this _____ day of _____ A.D. 20 _____.

My commission expires this _____ day of _____ A.D. 20 _____.

Annexation Application Checklist of Required Materials

Annexation Materials Required at Submittal of Application

A complete application for annexation must include **all** of the following items. Any application that does not include all of the following items will not be considered complete. The Planning & Economic Development Department **will not** schedule a public hearing for any annexation request until a complete application has been submitted.

_____ **Application Form.** One original copy of the attached *Annexation Application Form*, signed by the applicant and notarized.

_____ **Application Fee.** A non-refundable fee in the appropriate amount.

_____ **Escrow Account.** Any unused portion may be refunded upon request after completion of the annexation review process.

_____ **Proof of Ownership & Applicant Authorization.** One copy of a deed that documents the current ownership of the subject property/properties. If the applicant is the owner, this is the only documentation necessary. If the applicant is not the owner, the following are required in addition to a copy of the deed:

- If the applicant is the contract purchaser of the property, a copy of said contract must be attached.
- If the applicant is acting on behalf of the beneficiary of a trust, a notarized letter from an authorized trust officer identifying the applicant as an authorized individual acting in behalf of the beneficiaries must be attached. The letter must also provide the name, address and percentage of interest of each beneficiary.
- If the applicant is acting on behalf of the owner, a notarized letter of consent from the owner must be attached.

If the property owner is a company, a disclosure of the principals of the company must be included in the application materials. For example, an LLC may submit a copy of the LLC Management Agreement.

_____ **Annexation Petition.** An annexation petition signed by all of the owners of record of all land in the area proposed to be annexed and at least 51% of the electors residing in the area proposed to be annexed. The petition is irrevocable once signed and submitted to the Village of Lemont.

_____ **Submittal Packet.** 9 collated copies of a submittal packet for distribution at public meetings and one electronic copy for Village files. Additional copies of the submittal packet may be required after initial submission of the annexation application. Department Staff will advise if/when additional copies are needed.

Any plans and maps included in the submittal packet should contain the following: a north arrow or other indication of true north or map north; the date of map/plan preparation; the name of the person preparing the map/map; and a scale, the scale may be expressed verbally (e.g. 1 inch equals 60 ft.) but other forms of scale are preferable (e.g. scale bar or ratio such as 1:24,000). All plats should be printed on at least 11"x17" sized paper.

The submittal packet shall include the following:

- **Project Summary.** A written overview of any proposed development on the property to be annexed. This overview should include a quantitative summary that includes the following, as applicable:
 - Acreage and/or square footage of subject site
 - Square footage of commercial space
 - Proposed residential density (# dwelling units/gross site area)
 - Total square footage covered by structures
 - Total square footage covered by roads and other impervious surfaces
 - Total square footage of commonly owned and maintained open space
 - Number of off-street parking spaces
- **Legal Description.** A legal description of the subject property.
- **Plat of Annexation.** A draft plat of annexation.
- **Additional Plans or Documents as Required by the Planning & Economic Development Director.** Department staff will advise if any additional materials are necessary.

Materials Required when Public Notice is Served

The following items are **only** required if the proposed annexation includes a rezoning. These items **are not** required at the time of application submittal. If a rezoning is included as part of the annexation request, then these items must be submitted to the Planning & Economic Development Department prior to the public hearing before the Planning & Zoning Commission. Once the applicant has fulfilled the public notice requirements, the following items must be submitted:

- _____ **Affidavit of Public Notice.** The attached *Affidavit of Public Notice* must be submitted by the applicant once he/she has completed the necessary public notice requirements. A signed and notarized original form should be submitted to the Planning & Economic Development Department no later than 15 days prior to the scheduled public hearing. More explanation regarding public notice requirements is contained in the attached *Annexation Public Notice Requirements* document.

- _____ **Copy of Written Notice.** Once the applicant has sent the required written notice of public hearing, a copy shall be submitted to the Planning & Economic Development Department. The copy of the written notice should be submitted at the time that the notice is sent to the surrounding property owners. More explanation regarding public notice requirements is contained in the attached *Annexation Public Notice Requirements* document.

- _____ **Address List.** A list of all addresses to which the applicant sent the written notice of public hearing shall be submitted to the Planning & Economic Development Department at the time the written notice is sent to the surrounding property owners. More explanation regarding public notice requirements is contained in the attached *Annexation Public Notice Requirements* document.

STATE OF ILLINOIS)
) SS.
COUNTY OF _____)

**IRREVOCABLE PETITION REQUESTING ANNEXATION
TO THE VILLAGE OF LEMONT**

TO: THE VILLAGE CLERK, VILLAGE OF LEMONT, ILLINOIS

We, the undersigned Petitioners, owners of record of all of the land herein requesting to be annexed, respectfully represent, under oath, that all conditions required for annexation to the Village of Lemont pursuant to and in accordance with Illinois Municipal Code Chapter 65 Illinois Compiled Statutes Section 5/7-1-8 do hereby state under oath to wit:

1. That the territory requested to be annexed is described as follows:

(See legal description attached hereto on Exhibit A and made a part hereof)

2. That the described territory is not within the corporate limits of any municipality but is contiguous to the Village of Lemont, a municipality organized and existing under the laws of the State of Illinois.

3. That a Plat of Annexation showing the described territory is attached hereto and made a part of this Petition or will be provided prior to adoption of the Ordinance annexing said territory.

4. That this Petition is signed by all of the owners of record of all land in the described territory and at least 51% of the electors residing in the described territory.

5. That this Petition is irrevocable once signed and submitted to the Village of Lemont by the owner(s) of record.

WHEREFORE, your Petitioners respectfully request the Corporate Authorities of the Village of Lemont to annex the above described territory to the Village of Lemont.

<u>NAME</u> (Printed & Signed)	<u>ADDRESS</u>	<u>OWNER</u>	<u>ELECTOR</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

STATE OF ILLINOIS)
)
COUNTY OF _____)

I, the undersigned, a Notary Public DO HEREBY CERTIFY that _____, personally known to me to be the person whose name is subscribed to the foregoing Petition for Annexation, appeared before me this day in person and acknowledged that he/she, being thereunto duly authorized, signed and delivered said Petition for Annexation as his\her own free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this _____ day of _____, 20____.

Notary Public

STATE OF ILLINOIS)
)
COUNTY OF _____)

I, the undersigned, a Notary Public DO HEREBY CERTIFY that _____, personally known to me to be the person whose name is subscribed to the foregoing Petition for Annexation, appeared before me this day in person and acknowledged that he/she, being thereunto duly authorized, signed and delivered said Petition for Annexation as his\her own free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this _____ day of _____, 20____.

Notary Public

Annexation Public Notice Requirements

The applicant requesting an annexation that includes a rezoning is responsible for meeting the public notice requirements of Section 17.04.050 of the Unified Development Ordinance (UDO). Public Notice must include written notice and notice by sign, as detailed below. A sample written notice and a sample sign are provided on the following pages. The applicant must submit the following to the Planning & Economic Development Department once the notice requirements have been met:

- a signed and notarized Affidavit of Public Notice;
- a copy of the written notice; and
- a list of all addresses to which the applicant sent the written notice.

Written Notice. The applicant shall serve written notice in person or by registered mail, return receipt requested, to the owners of the subject property and to owners of all property within 250 feet of the property lines of the subject property. The property owners shall be those as recorded in the relevant county's Office of the Recorder of Deeds. Land occupied by public roads, streets, alleys, and other public ways shall be excluded in computing the 250 ft. requirement. The notice must be served not less than 15 days and not more than 30 days prior to the scheduled public hearing. The written notice must contain:

- The common street address of the subject property;
- The scheduled time, date and venue of the public hearing;
- A description of the nature, scope, and purpose of the application;
- The name and address of the applicant;
- A statement that additional information concerning the hearing or application can be obtained from the Planning & Economic Development Department; and
- The address and contact information for the Planning & Economic Development Department.

If, after a bona fide effort to provide written notice, the property owner of the property on which the notice is served cannot be found at their last known address, or the mailed notice is returned because the property owner cannot be found at their last known address, the written notice requirements will be deemed satisfied.

Effective January 15, 1998, the Lemont Township Office will compile the required list of property owners and addresses. The fee for such service is \$25.00 and must be paid in advance. Please allow five days for the Township to compile the information. The Township office is located at 1115 Warner Avenue in Lemont. The phone number is (630) 257-2522.

Notice by Sign. The applicant shall ensure that a readable sign is posted on the subject property not less than 15 days and not more than 30 days prior to the scheduled public hearing. The applicant shall ensure that the sign remains posted until the scheduled public hearing. The applicant must remove the sign no later than 10 days after the completion of the public hearing. If the applicant fails to remove the sign within 10 days of completion of the public hearing, the Village may remove the sign and charge the applicant for such removal or deduct the cost of the removal from the applicant's escrow account. The applicant shall be responsible for all costs associated with the sign.

The sign shall be placed near the public right of way and shall be visible from the public right of way. If no public right of way exists, the sign shall be placed on the subject property where it will receive the maximum exposure to neighboring residents and passersby.

The size and appearance of the sign must be consistent with the sample sign provided on the following pages. The sign must include the following information:

- The scheduled time, date, and venue of the public hearing;
- A description of the nature, scope, and purpose of the application;
- A statement that additional information concerning the hearing or application can be obtained from the Planning & Economic Development Department; and
- The address and contact information for the Planning & Economic Development Department.

SAMPLE PUBLIC NOTICE

Insert Date

Dear Property Owner:

You are listed within the (insert applicable County or Township name) official tax records as the owner of a parcel of land within 250 feet of property that is subject to a petition for an annexation agreement and rezoning. The petition for annexation agreement and rezoning concerns the property that is generally located at (insert street address). The requested annexation and rezoning will (insert general description of the annexation and rezoning request). In accordance with the provisions of the Village of Lemont Unified Development Ordinance, the petitioner hereby notifies you of the scheduled public hearing on this petition.

The Lemont Planning & Zoning Commission will hold a public hearing on this petition on (insert date) at (insert time) p.m. The public hearing will be held in the Village Board Chambers of Lemont Village Hall, 418 Main Street, Lemont, IL 60439.

All interested parties will be given the opportunity to be heard at the public hearing. Interested persons may present either written or verbal comments at the public hearing. If the public hearing is not concluded on (insert meeting date), it may be continued to another Planning & Zoning Commission meeting date. If the hearing is continued, another written notice will not be sent.

If you have any questions regarding this petition you may contact the Lemont Planning & Economic Development Department by phone at (630) 257-1595, or in person at Village Hall, 418 Main Street, Lemont, IL 60439.

Insert Applicant Name & Address

SAMPLE PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN FOR A PUBLIC HEARING CONCERNING A LAND USE APPLICATION FOR THIS PROPERTY.

HEARING FOR: [INSERT WHAT APPLICATION IS FOR]

VENUE OF HEARING: VILLAGE HALL, 418 MAIN ST., LEMONT (UPSTAIRS CHAMBER ROOM)

HEARING BODY: PLANNING AND ZONING COMMISSION

DATE AND TIME OF HEARING: [INSERT DATE AND TIME]

PUBLIC ATTENDANCE AND COMMENTS INVITED:

FOR ADDITIONAL INFORMATION CONTACT:
VILLAGE OF LEMONT
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
418 MAIN STREET
(630)257-1595

Sign Size/Appearance Requirements:

- **At least 36 inches in height and 48 inches in width.**
- **Must have a white background.**
- **Must have 1.5-inch high black block letters, except the words “NOTICE OF PUBLIC HEARING” must appear in 3-inch high capital red block letters.**

Affidavit of Public Notice

The undersigned _____, being duly sworn on oath states as follows:

1. That he/she is the _____ that is subject of the
(owner of record, contract purchaser, authorized agent, etc.)

petition to _____

by _____
(Designate petitioner(s); and, if applicable, designate Trust numbers and all beneficiaries thereunder)

_____ for

property located at and commonly known as _____

2. That the attached Public Notice, marked as Exhibit A, was served on all of the parties whose names and addresses are identified on the attached Exhibit B, by one of two means listed below.

Indicate by checkmark the applicable box and enter any requested information:

By mailing a copy of said notice by certified mail, return receipt requested, via United States Mail at the following location: _____

City and State

OR:

By delivering said notice in person to the individual homes or offices and obtaining the signature of each recipient with name and address on a separate sheet of paper to be submitted as Exhibit C.

3. That the designated delivery took place on the ____ day of _____ 20__.

Signature

(indicate whether owner, contract purchaser, agent, etc.)

Subscribed and sworn before me this _____
day of _____, 20__

Notary Public

My commission expires on _____

(Notary Seal Here)