

RESOLUTION 18-06-08
A RESOLUTION ADOPTING AN ANNEXATION POLICY
FOR THE VILLAGE OF MAHOMET, ILLINOIS

WHEREAS, the Illinois Municipal Code (65 ILCS 5/7-1 et seq.) clearly delineates the requirements and process for voluntary and involuntary annexations of land into the corporate boundaries of a municipality; and


WHEREAS, pursuant to this Public Act, the Illinois Legislature has entrusted to the corporate authorities of municipalities the absolute right to determine the boundaries of their communities and the rate at which development will take place, consistent with the Illinois Municipal Code; and

WHEREAS, all prior existing annexation policies of the Village of Mahomet shall be superseded by the Annexation Policy adopted by this Resolution; and,

WHEREAS, this annexation policy document does not supplant, supplement or add additional legal requirements or factors to the Illinois Municipal Code regarding annexations and the ultimate authority given to the Corporate Authorities (i.e. Village President and Board of Trustees) pursuant to the Illinois Municipal Code.


NOW, THEREFORE, BE IT RESOLVED this 26th day of June 2018, by the Board of Trustees of the Village of Mahomet that:

1. The Village of Mahomet Board of Trustees does hereby adopt the Annexation Policy.
2. This resolution shall be in full force and effect immediately.



Sean M. Widener, President
Board of Trustees
Village of Mahomet

Attest:


Village Clerk



MEMORANDUM
TO THE
BOARD OF TRUSTEES

ITEM: ANNEXATION POLICY	DEPARTMENT: Community Development
AGENDA SECTION: Community Development	AMOUNT: None
ATTACHMENTS: (X) Draft policy (X) Resolution	DATE: For study session June 12, 2018

INTRODUCTION:

Staff requests consideration of an annexation policy that has been developed at the request of the board.

BACKGROUND:

The Village's policy on annexation is essentially that it follows the State law and that annexation decisions rest solely with the board of trustees. However, State law *enables* annexation under certain conditions but does not *prescribe or guide* when a municipality should annex. The 2016 Comprehensive Plan specifically identifies a need for an annexation policy to enable functionality of the Plan and the fulfillment of its broader goals.

The Plan cites the disparity between the actual and effective Village population. It notes that lands meeting the letter of law for contingency are in fact highly variable in the functional contiguity for service extensions. The presence of a river, a railroad, an interstate, a non-Village water and sanitary sewer district, and IDOT roadways often significantly impede efficient service extensions. Contiguous properties have very different costs and benefits requiring more analysis than any State law can provide. It is highly probable that it is not always in the village's best interest to annex property.

The proposed annexation policy acknowledges that thoughtful analysis ensue for any lands that do meet the state law criteria for annexation. It reiterates the eligibility concepts in State law with added details on how those apply to Mahomet. It establishes some evaluation criteria as a guide. One component of the policy is there are several factors for consideration by the board to help provide clarity and transparency to the complex decision making of individual annexations. These are NOT required but available to the Board for consideration. The simple inclusion of the statements in the policy suggests and reiterates the complexity of annexation decisions.

DISCUSSION OF ALTERNATIVES:

- **ADOPT** – *staff recommendation*
- **REQUEST STAFF MAKE CHANGES AND/OR RE-PRESENT**
- **NOT ADOPT** - The Village Attorney reviewed the policy in detail. However, he reminds the board that it is not legally necessary to adopt any policy. State law does not require a municipality have an adopted policy to act on annexations.

PRIOR BOARD ACTION: Last major discussion was in 2009 prior to 2010 Census but no policy was presented to the board at that time.

COMMUNITY INPUT: None

BUDGET IMPACT: The policy adoption does not impact the budget.

STAFF IMPACT: Staff would present eligible properties for annexation to the BOT as requested or as situation dictates for consideration. This involves legal and surveying work to generate the plat, petition and ordinance.

SUMMARY: Staff proposes the board adopt an annexation policy that acknowledges the complexity of annexation decisions for eligible properties due to the unique land development characteristics of the Mahomet area. A policy with the opportunity for a Board annexation decision to include factors for consideration by the Board to help in their decision is designed to offer more transparency to public for the process and final decision.

RECOMMENDED ACTION: Staff recommend adoption as presented. A resolution is provided for consideration and structured to adopt the policy.

DEPARTMENT HEAD APPROVAL: /s/ Kelly Pfeifer	VILLAGE ADMINISTRATOR: Patrick Brown
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ANNEXATION POLICY

PURPOSE

The community of Mahomet is much larger than the Village Corporate Limits. This disparity is indicative of the challenges of annexation in decades past. There is a need for an annexation policy to help promote smart logical growth and enable functionality of the Comprehensive Plan and fulfillment of its broader goals.

Illinois statutes and case law control annexations of land into the corporate limits of a municipality. This annexation policy document does not supplant, supplement or add additional legal requirements or factors to Illinois statutes regarding annexations. Annexation decisions require guidance and support of a policy that can transcend politics, immediate pressures, temporary fiscal constraints, and current market conditions. But given each parcel of real estate is unique, no one policy factor shall dictate a decision to annex or not annex a particular parcel.

Therefore, it shall be the policy of the Village of Mahomet to review and consider annexations individually according to Illinois statutes, the terms and conditions of this policy and the uniqueness of each parcel of real estate. The Board of Trustees may consider many factors when considering annexation of a parcel, including the circumstances, benefits, costs, and existing conditions.

All decisions to annex shall be at the discretion of the Board of Trustees of the Village of Mahomet and any decision regarding annexation does not set a precedent for future consideration of any other annexations.

ELIGIBILITY

State Statute affords the Village options to annex land under various scenarios all related to the relativity of the Village boundaries to the particular parcel. The annexation policy shall be based on such conditions as a guide.

1. Parcels contiguous to municipal boundary
 - a. It is the policy of the Village of Mahomet to consider most favorably the voluntary annexation of parcels that are contiguous to Village infrastructure such as roads, storm, sanitary, water and other services where existing systems and services can be extended to the property.
 - b. It is the policy of the Village of Mahomet to review carefully any parcel that is physically contiguous to the Village Corporate Limits, but due to geographical or jurisdictional reasons is not functionally contiguous for transportation system and utility service extensions.
2. Non-Contiguous Parcels within the extraterritorial jurisdiction (ETJ) and subdividing
 - a. If the property is not contiguous to the municipal limits of the Village, the property owners may be required to enter into a binding written agreement concurrent with or prior to the subdivision of property as requested by the Village, unless other factors do not support annexation. This can be in one of two forms as authorized by the Village.
 - i. The Village shall entertain the request for an annexation agreement between the parcel and the Village provided the property is anticipated to be likely for contiguity within 20 years; contains frontage along roadways and streets in the major street plan of the Comprehensive Plan; or, is located such that it's annexation would result in contiguity for another parcel that is obligated to or has requested annexation.
 - ii. A subdivider may be required to include a clause in the subdivision owner's certificate and subdivision covenants that indicates the landowner shall deliver a petition to annex at such time as the property become contiguous to the Village.
 - iii. A subdivider of agricultural lands remaining in agricultural production may not be required to record a clause for future annexation until such time as the land is divided for development.
3. Parcels Within Sangamon Valley Public Water District (SVPWD) Boundary
 - a. It is the policy of the Village of Mahomet that the annexation of lands within the SVPWD, and SVPWD's necessity and intent to deliver water and or sanitary sewer services, shall not factor into the decision to annex property within the context of the ability to extend public water supply and /or sanitary sewers to the site.
4. Parcels in Village of Mahomet Water and Wastewater service area

- a. The policy and regulations contained in Village Ordinances and regulations regarding water and wastewater utilities shall control, but generally, it is the policy of the Village of Mahomet to match the existing and future utility service extensions with the Village's municipal boundaries. Therefore, new applicants for utility services shall be required to voluntarily annex to the town for delivery of those services. If those properties are not contiguous and eligible for immediate annexation, the owners of said property may be required to enter into a binding agreement that the present or future owners will voluntarily petition for annexation at the time of any of the following occurrences:
 - i. The property becomes contiguous or otherwise eligible for annexation
 - ii. At the convenience of the Village of Mahomet
5. Parcels within a "wholly bounded" area
- a. Property that is less than 60 acres and surrounded by the Village Corporate Limits is eligible for annexation per State statutes. It is the policy of the Village of Mahomet to carefully consider and evaluate the benefits and the costs to the Village of Mahomet and its taxpayers prior to initiating the process of annexation of surrounded property.

EVALUATION CRITERIA

1. It is the policy of the Village of Mahomet that long term land use plan consistency is heavily weighted in the decision of when to annex a parcel.
 2. It is the policy of the Village of Mahomet that present use, compliance status in the County regulations, and non-conformities with annexation are lightly considered during evaluation as all are considered short term conditions.
 3. It is the policy of the Village of Mahomet that land enabling the annexation of other land that is deemed desirable to annex shall be strongly considered for annexation.
 4. Although not required, the Board of Trustees may consider factors that include fiscal review, planning and land use, eligibility, affected government entities, and operational and service impacts as identified in this policy. These factors may include statements relating to the variables the Board considers, but those variables are by no means weighted, ranked, or require a specific response to support the Board's position to pursue annexation. However, the Board of Trustees may consider factors beyond these variables prior to action. Village staff are to identify unique circumstances to each property being considered for annexation that may be pertinent to the intent of this policy.
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FACTORS FOR CONSIDERATION

Although not required, factors for consideration pertinent to the unique situation of the property may be analyzed by staff for the Board of Trustees evaluation. Factors include:

FISCAL REVIEW

- Annexation WILL/WILL NOT increase the Village's revenue in the form of EAV and real estate tax receipts, local share of state income tax and MFT funds, retailer's occupation tax, video-gaming, and other sources.
- Annexation WILL/WILL NOT increase the Village's eligibility for grant monies.
- The current land use is one which IS/IS NOT needed within the boundaries of the Village for purposes of a balanced economy.

PLANNING & LAND USE

- Annexation of the parcel WILL/WILL NOT provide a strategic benefit to facilitate smart growth.
- The application of Village zoning requirements WILL/WILL NOT be beneficial to the properties in the area or WILL/WILL NOT prevent development or use in a manner that is inconsistent with the Comprehensive Plan maps and policies.
- The property IS/IS NOT in a use that would be compliant with Village zoning ordinances when annexed to the 'similar zoning' as set forth in the Municipal Code (65 ILCS 5/7-1 et seq.).
- The property IS/IS NOT compliant with County zoning ordinances.
- The property HAS/HAS NOT been legally subdivided according to Village requirements.
- Annexation WILL/WILL NOT result in more logical boundaries for the Village.

ELIGIBILITY

- The property IS/IS NOT eligible for immediate annexation.
- The owner HAS/HAS NOT delivered an executed petition for annexation to the Village.
- The property HAS/HAS NOT been contiguous to the Village limits for a lengthy period of time.

AFFECTED GOVERNMENT ENTITIES

- The annexation WILL/WILL NOT involve notification of other taxing bodies or government entities

OPERATIONAL & SERVICE IMPACTS

- Current roadway conditions WILL/WILL NOT require the Village to make roadway improvements within the next three years.
- Annexation WILL/WILL NOT require a temporary service agreement between the township and the Village to maintain efficiencies in road related services such as snow plowing.
- Annexation WILL/WILL NOT significantly extend the travel distances of Mahomet police to provide consistent coverage as currently provided to In-Village properties.
- Annexation WILL/WILL NOT result in operational challenges that threaten current service levels to existing Village properties and related residents and businesses.
- The property as not currently annexed IS/IS NOT impeding the efficient and cost-effective operation of Village services.
- The property IS/IS NOT served by Village provided utilities.
- The property WILL/WILL NOT BE served by Village provided utilities.

- The property DOES/DOES NOT directly benefit from Village owned and maintained stormwater management facilities.
- The property IS/IS NOT a proportional increase in service distances to the size of the property.
- The property DOES/DOES NOT directly benefit from Village owned and maintained transportation facilities.
- The property DOES/DOES NOT directly benefit from Village owned public utilities or from Village services.