

# Annexation Policy

Illinois Tollway

November 2015

# ILLINOIS STATE TOLL HIGHWAY AUTHORITY

## Land Acquisition

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### ANNEXATION REQUESTS

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#### I. Annexation of Tollway Property.

Tollway Real Property cannot be annexed without the written consent of the Governor or the governing authority of the Tollway Board of Directors. See (65 ILCS 5/7-1-2(f)) also see Village of South Barrington v. Village of Hoffman Estates, 30 Ill.2d 385, 388, 198 N.E.2d 97, 98 (1964).;

#### II. General Annexation Policy and Considerations (and Guidelines):

- a. The reason for the annexation request.
- b. The purpose of the request.
- c. The reason that annexation must include the subject real property.
- d. The amount of Tollway land area involved.
- e. The Tollway will not agree or consent to annexations of real property that include Tollway mainline pavement, system and or facilities. However, it will decide on a case by case basis whether to consent to annexation requests involving Tollway right of way that is not mainline pavement or other Tollway facility when the below outlined annexation considerations support consenting to an annexation request.
- f. Whether municipalities contiguous to the property, and having a legal right to annex it ("Contiguous Municipalities"), may be interested in annexing the subject real property.
- g. Whether the annexation is consistent with Tollway planning, system needs and will not undermine the Tollway's autonomy.

- h. Whether the Tollway has received a written commitment from the Requestor stating that the Tollway will not be bound, nor be subject to any local laws, ordinances or regulations and, as a State Agency, will be exempt from any and all fees, costs, assessments, or other local requirements to the extent allowed by law.
- i. Whether the subject area to be annexed and the requested annexation is in the best interest of the Tollway. Considerations include, but are not limited to whether or not the Tollway has a current or planned capital program or project involving the area at issue.
- j. Whether the proposed annexation will trigger any hardships or consequences to the Tollway.
- k. Whether the proposed annexation weighs in favor of the public interest. Examples of public interest considerations include, but are not limited to the following:
  - 1) Purpose of the annexation is to create a boundary for a TIF area to support development needs;
  - 2) Blighted area redevelopment needs.

### III. Process and Documentation:

- a. The procedure for annexations of Tollway owned real property begins with a written annexation request from the city or village (Requestor). The Tollway will require the following information from the Requestor:
  - i) Aerial map or exhibit depicting the subject real property;
  - ii) If there are other municipalities contiguous or abutting the Tollway real property at issue, the Requestor must obtain letters from all such municipalities stating that they have no objection to and consent to the proposed annexation;
  - iii) The Requestor must be prepared to certify, to the extent allowed by law, that as a result of or in connection with the annexation, the Tollway will not be bound nor be subject to any local laws, ordinances or regulations, including but not limited to covenants, conditions of

record, zoning or building restrictions or requirements. Finally, as a state agency, to the extent allowed by law, the Tollway must be exempt from any and all taxes, fees, costs, assessments, or other charges.

- iv) Any documents that might be reasonably requested by the Tollway.

b. TOLLWAY REVIEW and APPROVAL:

i) Tollway Land Acquisition Review:

- 1) The Land Acquisition Department will review and consider the above outlined required information and documents.

ii) If it is recommended that the real property be annexed, Land Acquisition will prepare a package addressed to the Annexation Committee (sometimes referred to as the "Committee") that includes a memo identifying the excess real property and all relevant background information. The Committee will then determine whether the real property should be annexed. The Committee's duties, membership and considerations include the following:

- 1) The Annexation Committee's duty and responsibility is to determine if the above considerations have been satisfied and ultimately, to make a recommendation as to whether the Tollway real property at issue may be annexed into the Requestor's boundaries.
- 2) The Annexation Committee shall be established by the Chief Engineer and its membership shall include the Deputy Chief of Engineer for Planning, the General Manager of Maintenance, the Tollway's Consulting Engineer, and any other individuals deemed necessary and appropriate by the Chief Engineer.
- 3) Public policy and transportation considerations.
- 4) If the Annexation Committee determines that the above criteria and considerations have been satisfied, the Annexation Committee will submit its recommendation to the Tollway Board of Directors for final approval.