

MEMORANDUM

TO: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP, Director of Community Development

DATE: February 5, 2004

SUBJECT: Hidden Valley Condominiums – Court Controlled Annexation

This memorandum requests direction from the Village Board relative to a proposed court controlled annexation of the Hidden Valley Condominium development at 1S232 & 1S280 Fairfield Avenue.

BACKGROUND

The Hidden Valley Condominiums consist of two 33-unit condominium buildings and three parking garages, which were constructed in the late 1970s. Attachments A and B show the existing location of the subject property for your reference.

Insignia Homes received annexation and zoning approvals from the Village Board in 2003 to construct a 40-unit townhouse development on an adjacent vacant tract, known as Fairfield Glen townhomes (PC 03-21). A provision within the annexation agreement required the developer to work with the Hidden Valley Condominium Association and the Village to effectuate an annexation petition of the condominiums. State Statutes require that for voluntary annexations, all property owners of record and at least 51 percent of all electors must sign a petition for annexation. In this case, every ownership interest of every unit within Hidden Valley would have to sign the petition for annexation. However, not all of the condominium unit owners are willing to sign the petition, so a voluntary annexation cannot be pursued.

As an alternative, staff has been working with the Association and Insignia Homes to effectuate a court-controlled annexation of the condominiums via a court supervised petition. State Statutes (65 ILCS 5/7-1-2 et. seq.) provides for such an annexation, as follows:

1. A written petition is signed by a majority of the electors in the subject area requesting annexation;
2. The petition is filed with the Circuit Court Clerk;
3. Proper notification is given to applicable districts and affected owners;
4. A hearing is held by a presiding judge, who will consider the annexation petition and any objections to the annexation;

5. The presiding judge will either enter an order directing the request for annexation be submitted to the Corporate Authorities for final action or will dismiss the petition should any objections be deemed valid; and
6. Final approval of the annexation by the Village Board.

The Association has been able to secure annexation signatures of 82 percent of the homeowners to date. Of the twelve owners that did not sign, six refused and six could not be reached.

For your reference, a copy of Village Board Policy 87-2: Annexation Guidelines is also attached. The provisions associated with court supervised annexations as proposed are noted on pages 9 through 14 of the Annexation Guidelines attachment.

RECOMMENDATION

Staff recommends that this item be placed on the February 5, 2004 Village Board agenda under Items for Separate Action. Staff believes that signatures of 82 percent constitute a large enough percentage to proceed with the court-controlled process and is seeking concurrence from the Board accordingly.

Please note that should the Board authorize the court-controlled annexation process to continue, it does not obligate the Board to accept the annexation – the Board will consider that issue upon receipt of the order from the presiding judge at the completion of the hearing process.