

SPESIA & TAYLOR

MEMO

To: Mayor and City Council
From: Michael R. Stiff, Spesia & Taylor
Date: October 10, 2024
Re: Repeal of Resolution 360

Mayor Soliman and City Council,

You will recall that with the recent request by Mr. Prado to annex his property on Caton Farm Road to the City of Crest Hill, an issue came up as to which Fire Protection District would serve the property after the annexation.

Resolution 360, approved by the City Council on March 18, 1991, stated the City's desire to have the Lockport Township Fire Protection District, which serves most city residents, continue to serve those properties which might be annexed in the future. Therefore, the resolution established the City's (and Plan Commission's) "Policy" of requiring a landowner or developer desiring annexation to also "apply" to the Lockport Township Fire Protection District and to request "de-annexation" of the property from whichever Fire Protection District served the property prior to the annexation to the city. Resolution 360 is attached to this Memorandum for ease of reference.

In the case of the Prado family, the Caton Farm property was being served by the Plainfield Township Fire Protection District. Based on the plain language of Resolution 360 (which has the force of policy but is not an Ordinance, which has the force of law), it was my opinion that the Resolution does not require the actual de-annexation from the existing Fire District and annexation to the Lockport Fire Protection District. It merely requires the owner/developer to "request" or "apply" to de-annex from the existing district and annex to Lockport. Otherwise, this pits the two Fire Districts against each other and leaves the property owner caught in the middle.

In the case of the Prados, they applied to Plainfield Township Fire District for de-annexation and the District refused. Then the District's attorney suggested that the Prados would need to file a court action rather than merely applying to the District for de-annexation. Again, it was my opinion that the application to the District was enough and that a court filing was not mandated or even contemplated by the plain language of Resolution 360. Following the denial from Plainfield, the Prados applied to Lockport Township in writing, thereby complying with the plain language of the Resolution.

Thereafter, the Plan Commission heard the Prado request for a setback variance, and the City Council approved the Variance, the annexation, and the re-zoning.

Since that time, the two Fire Districts have collaborated and reached agreement on an IGA which establishes a boundary agreement for the two Fire Districts and which will preclude either District from soliciting any property owners to disconnect from the other district and from “initiating” annexation of a property into its District and from the other’s. However, for cases such as the Prado project, each District agrees that if a property owner elects to seek, on his or her own initiative, disconnection, the district can “accept” that territory. The IGA is included in your packet.

What the IGA fails to address is whether the District which will “lose” the property must agree to voluntarily de-annex if the request is made by the property owner. The IGA is for a 20-year term.

Based on the IGA, it would appear that Resolution 360 is no longer necessary and should be repealed. The matter is on tonight’s agenda for discussion. If the City Council determines that Resolution 360 is no longer necessary and should be repealed, I would draft a Resolution doing just that and have it ready for the City Council meeting on October 21, 2024.

MRS

RESOLUTION NO. 360

A RESOLUTION REQUIRING ALL PETITIONERS FOR ANNEXATION TO CREST HILL OUTSIDE THE LOCKPORT TOWNSHIP TO PETITION FOR ANNEXATION TO THE LOCKPORT TOWNSHIP FIRE PROTECTION DISTRICT.

WHEREAS, the City of Crest Hill is a municipality that occupies territory in three separate townships, of which the largest area is Lockport Township; and

WHEREAS, the Lockport Township Fire Protection District has, since the creation of the City of Crest Hill, provided fire and ambulance protection to the majority of the City residents of a high professional quality; and

WHEREAS, in the coming years the City of Crest Hill may be approached by landowners and land developers to annex territory into the City from townships other than Lockport Township; and

WHEREAS, for purposes of City planning it is greatly desirable that as much of the City be served by the Lockport Fire Protection District as possible.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF CREST HILL, ILLINOIS AS FOLLOWS:

SECTION 1: It shall be the policy of the Crest Hill City Council and the Crest Hill Plan Commission that whenever a landowner or land developer applies to the City for annexation of property into the City which lies outside of the Lockport Township Fire Protection District, said land owner or land developer shall also apply to the Lockport Fire Protection District for annexation of said property into the Fire Protection District and de-annexation of the property away from whichever Fire Protection District recently served it.

SECTION 2: The City Council shall not pass on any petition for annexation without first determining that the petitioner has also requested annexation to the Lockport Township Protection District, or that annexation to the district be waived.

RESOLVED THIS 18th DAY OF March 1991.

AYES: 7

NAYS: 0

ABSENT: 0

City clerk Elaine Kovalick
CITY CLERK

APPROVED THIS 18th DAY OF March 1991.

Donald L. Randick
MAYOR

ATTEST: Elaine Kovalick
CITY CLERK