
THE CITY OF ROCHELLE
Ogle County, Illinois

RESOLUTION
NO. _____

**A RESOLUTION TO OPPOSE SB 2881 WHICH FUNDAMENTALLY ALTERS HOW
MUNICIPALITIES ANNEX AND REGULATE UNINCORPORATED PROPERTY**

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A RESOLUTION TO OPPOSE SB 2881 WHICH FUNDAMENTALLY ALTERS HOW MUNICIPALITIES ANNEX AND REGULATE UNINCORPORATED PROPERTY

WHEREAS, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit shall only have the powers granted to them by law and as such the City of Rochelle (“City”), Ogle County, Illinois being a non-home rule unit pursuant to the provisions of said Section 7 of Article VII, and may exercise only the powers expressly granted by law; and

WHEREAS, the Illinois General Assembly granted non-home rule municipalities broad authority to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities.” 65 ILCS 5/1-2-1; and

WHEREAS, SB2881 (the “Bill”), sponsored by Senator Laura Fine proposes changes to the annexation agreement statute which would fundamentally alter how municipalities annex and regulate incorporated property; and

WHEREAS, the Bill would require any land subject to an annexation agreement to be contiguous to a municipal boundary. This would eliminate municipalities’ current ability to assert regulatory control over properties within the 1.5 mile extra-territorial jurisdiction. Not only does this greatly reduce a municipality’s ability to annex property, it also would create uncertainty regarding pre-annexation agreements previously entered into with the owners of property that do not touch the municipal boundary. Such uncertainty weakens the agreements and invites disparate interpretations which could result in costly litigation for Illinois’ taxpayers; and

WHEREAS, the Bill substantially limits communities from using annexation agreements to address a variety of subjects such as certain local land use ordinances, contributions of land or money to a municipality, and property tax abatements which have long been regulated by such agreements; and

WHEREAS, the Bill also creates a list of topics municipalities are explicitly prohibited from addressing in annexation agreements. This effectively creates a new protected class of subjects that municipalities may not regulate upon annexation; and

WHEREAS, this Bill is harmful to all municipalities and will substantially hinder economic development for all municipalities throughout Illinois.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHELLE, ILLINOIS:

SECTION ONE: That the City hereby incorporates all of the recitals above into this Resolution as if fully set forth herein.

SECTION TWO: The Mayor and City Council of the City of Rochelle hereby adopt as a resolution strongly opposing Senate Bill 2881 in its current form, and urges all legislators, the Illinois General Assembly and the Governor to vote against this legislation.

SECTION THREE: The City of Rochelle will provide a Copy of this Resolution to all state legislators representing the City of Rochelle.

SECTION FOUR: Any policy, resolution, or ordinance of the City that conflicts with the provisions of this ordinance shall be and is hereby repealed to the extent of such conflict.

SECTION FIVE: The City Clerk shall publish this Resolution in pamphlet form.

SECTION SIX: This Resolution shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

APPROVED THIS 26th day of February 2024

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE

I, _____, City Clerk of the City of Rochelle, County of Ogle and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. _____, “A RESOLUTION TO OPPOSE SB 2881 WHICH FUNDAMENTALLY ALTERS HOW MUNICIPALITIES ANNEX AND REGULATE UNINCORPORATED PROPERTY” which was adopted by the Mayor and City Council of the City of Rochelle on February 26, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 26th day of February, 2024.

CITY CLERK