

Bond Case Briefs

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ANNEXATION - ILLINOIS

Chicago Title Land Trust Company v. County of Will

Appellate Court of Illinois, Third District - May 18, 2018 - N.E.3d - 2018 IL App (3d) 160713 - 2018 WL 2277764

Landowner whose property was acquired by village through involuntary annexation brought a quo warranto action against the village, alleging that village had acquired the adjacent property through a sham transaction in order to force annexation of landowner's property.

The Circuit Court granted summary judgment for village. Landowner appealed.

The Appellate Court held that annexation of the adjacent property was a sham transaction, precluding village's acquisition of landowner's property.

Village's annexation of property adjacent to landowner's property, pursuant to the adjacent property owner's petition for voluntary annexation, was a sham transaction to allow village to acquire the landowner's property by involuntary annexation, and therefore, both annexations were invalid; the adjacent owner had no independent interest in becoming part of the village, but only petitioned for voluntary annexation because village proposed it, and parties' annexation agreement contained village's promise not to tax the adjacent owner or subject it to enforcement of village regulations and zoning requirements, and also allowed adjacent owner to disconnect from the village within one year.