

# **Bond Case Briefs**

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## **ANNEXATION - ILLINOIS**

### **People ex rel. R and D Olson Ltd. Partnership v. Village of Glendale Heights**

**Appellate Court of Illinois, Second District - November 27, 2013 - Not Reported in N.E.2d - 2013 IL App (2d) 13-0472-U**

In this quo warranto case, owners of property in unincorporated Du Page County, challenged the authority of the Village of Glendale Heights, to annex the subject territory.

The trial court granted summary judgment in favor of plaintiffs but the appeals court reversed, finding that the Village had met its burden of demonstrating that it properly exercised valid authority to annex the subject territory.

After the Village gave notice on August 22, 2012, but before it passed its annexation ordinance on September 6, 2012, plaintiffs filed section 7-1-8 petitions in Bloomingdale, a neighboring jurisdiction. The Village passed its annexation ordinance after plaintiffs filed their petitions in Bloomingdale, but within the 60-day period during which section 7-1-13(c) prohibited Bloomingdale from annexing the subject territory.

Notwithstanding the Village's statutory compliance, plaintiffs contend that the Village lost authority to proceed with its annexation when plaintiffs filed their section 7-1-8 petitions in Bloomingdale. According to plaintiffs, their filing of the petitions gave Bloomingdale priority over the Village's proceeding.

"We disagree with the parties' characterization of the issue as one of priority. Even assuming arguendo that plaintiffs are correct that Bloomingdale obtained priority when plaintiffs initiated that proceeding by filing their petitions, it would have had no legal effect in the factual scenario presented here. Priority becomes relevant only when two entities have annexed the same territory; here, there was only one completed annexation—the Village's. Plaintiffs' petitions constituted a request that Bloomingdale annex the territory. Plaintiffs themselves cannot annex their property to Bloomingdale; they have no right to be annexed; and they enjoy no right of priority in themselves. Plaintiffs' quo warranto action was simply a challenge to the Village's authority to annex the subject territory, calling for an adjudication of whether the Village acted within its statutory authority. Bloomingdale was not a party; therefore, any rights that Bloomingdale might have had simply were not at issue."