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Municipal Finance Law Since 1971

ANNEXATION - ILLINIOS

[Coldwater v. Village of Elwood](#)

Appellate Court of Illinois, Third District - January 9, 2020 - N.E.3d - 2020 IL App (3d) 190247 - 2020 WL 97524

Village approved and recorded annexation ordinance that contained incorrect legal description of property to be annexed, which resulted in larger annexation of property that was agreed to by village and owners.

Owners filed lawsuit to nullify annexation of property due to village's error in reciting legal description of the property. Village filed motion to dismiss. The Circuit Court dismissed owners' complaint as time-barred. Owners filed petition to review certified question.

The Appellate Court held that statute setting forth one-year period for contesting annexation of territory to municipality bars parties from correcting errors in legal description after one-year statutory period has passed.

Statute setting forth one-year period for contesting annexation of territory to a municipality bars parties to an annexation from correcting errors in legal description of annexed property after the one-year statutory period has passed; under unambiguous language of the statute, the one-year limitation shall apply "irrespective of whether such annexation may otherwise be defective or void," once an annexation is final, "defective" or not, the limitations period takes effect

Interpreting statute setting forth one-year period for contesting annexation of territory to a municipality as a bar to correcting errors in the legal description of the annexed property after one year does not render statute pertaining to the effect, enforcement, and limitations of annexation agreements inoperative; statute pertaining to the effect, enforcement, and limitations of annexation agreements is available to compel performance of and enforce issues arising from annexation agreements not involving contests to final annexations under the one-year limitations statute.