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ANNEXATION - ILLINOIS

Village of Kirkland v. Kirkland Properties Holdings Company, LLC I

Supreme Court of Illinois - May 18, 2023 - N.E.3d - 2023 IL 1286122023 WL 3516672

Village brought action against purported successor owners of original landowner, alleging they breached recorded annexation agreement for 114-acre residential subdivision by refusing its request for a letter of credit, in amount proportionate to the number of their lots, to secure completion of roads in the subdivision, and sought damages or, in the alternative, injunctive relief in form of specific performance.

The Circuit Court granted defendants' motion to dismiss on the pleadings and awarded attorney fees in their favor. Village appealed. The Appellate Court reversed in part, vacated in part, and remanded. Defendants' petition for leave to appeal was allowed.

The Supreme Court held that:

- Village's notice of appeal was sufficient to confer appellate jurisdiction over its challenge to the circuit court's award of attorney fees and the circuit court's dismissal of village's third amended complaint, on which the circuit court based its award of attorney fees;
- Defendants were "successor owners of record of the land" subject to the annexation agreement, even though they owned only a portion of the original configuration;
- The annexation agreement was binding on defendants; and
- Because the Municipal Code expressly authorized specific performance as a remedy, village's requests for specific performance remained viable despite the availability of other avenues of relief.

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