

**CITY OF WHEATON**  
**PETITION FOR ANNEXATION**  
**PROCEDURES AND CHECKLIST**

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**A. The process required for a Petition for Annexation:**

1. Any record owner of territory (petitioner) which may be annexed to the City may initiate annexation proceedings by filing an annexation petition with the Director of Planning and Economic Development.
2. The City may enter into an annexation agreement with the petitioner pursuant to Section 18 of the Wheaton City Code. The content and scope of the annexation agreement shall be consistent with Section 18-4 of the City Code.
3. A public hearing regarding the annexation petition and annexation agreement will be conducted by the City Council.
4. A public hearing for any zoning amendment, special use permit, planned unit development, subdivision, or variation required by the proposed annexation shall be held concurrently with the annexation public hearing.

**B. General Petition Requirements Checklist:**

1. The Petition for Annexation form.
2. \$400 petition fee. **The petition fee does not include the court reporter, notification sign, cost of the legal notice publication, and ordinance recording fees which are due at a later date.**
3. Evidence of the applicant's ownership of or interest in the property.

**C. Document Submission Checklist:**

1. Fifteen (15) copies of Plat of Annexation.
2. One (1) Mylar copy of Plat of Annexation.
3. Fifteen (15) copies of Preliminary Engineering Plan.
4. Fifteen (15) copies of proposed building elevations.
5. One (1) copy each of the Plat of Annexation, Preliminary Engineering, and proposed building elevations reduced to 11 inches x 17 inches.
6. Subdivision and/or Zoning Application, if applicable.

**CITY OF WHEATON  
PETITION FOR ANNEXATION**

To: THE WHEATON CITY COUNCIL

Petitioners on oath states as follows:

1. That they are the owners of record of all of the land within the property described herein.
2. That (they are the only) or (there are other) electors residing thereon. (Circle the appropriate answer).
3. That no portion of the property is within the corporate limits of any municipality.
4. That the property which petitioners desire to have annexed to the City of Wheaton is described as follows:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. That this petition shall be in full force and effect from and after the date hereof and until the property is contiguous and annexed to the City of Wheaton.

**WHEREFORE**, the applicant petitions that the property be annexed by ordinance to the City of Wheaton, Illinois, in accordance with the appropriate statutes.

The undersigned on oath states that he/she has read the foregoing petition for annexation, has knowledge of the allegations contained therein, and that said allegations are true and correct to the best of his/her knowledge.

Date: \_\_\_\_\_ 20\_\_\_\_.

**Owner(s) of record of said property**

Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Address: \_\_\_\_\_

Tel. No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

**Elector(s) residing on said property**

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

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**Chapter 18 - ANNEXATION** <sup>[1]</sup>

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**Sec. 18-1. - General terms.**

The city is a home rule municipality pursuant to the Illinois Constitution of 1970, and the provisions contained in this chapter pertain to the government and affairs of the city and are an exercise of its home rule powers. The city may annex property pursuant to the provisions of section 7-1-1 et seq. of the Illinois Municipal Code (65 ILCS 5/7-1-1 et seq.), and the provisions contained in this chapter. The city may enter into any annexation agreement pursuant to this chapter for a period not to exceed 20 years from the date of execution of the annexation agreement.

*(Code 1968, § 6-1; Ord. No. F-0663, § 2, 11-19-01)*

**Sec. 18-2. - Initiation of proceedings.**

Any record owner of territory (petitioner) which may be annexed to the city may initiate annexation proceedings by filing with the city clerk an annexation petition.

*(Code 1968, § 6-2; Ord. No. F-0663, § 2, 11-19-01)*

**Sec. 18-3. - Processing of proposed annexation.**

The city council shall conduct a public hearing upon the proposed petition for annexation and the annexation agreement. If any zoning amendment, special use, planned unit development, or variation is required by the proposed annexation agreement, the public hearing required by law shall be conducted by the city council, concurrently with a hearing upon the proposed annexation agreement. At all times during the proceedings, a copy of the annexation petition and the proposed annexation agreement shall be kept on file with the city clerk. A transcribed record of the public hearing proceedings shall be filed with the office of the city clerk.

*(Code 1968, § 6-3; Ord. No. F-0663, § 2, 11-19-01)*

**Sec. 18-4. - Content and scope of agreements.**

Any annexation agreement may provide for the content and scope described in the following as it relates to the land which is the subject of the agreement:

- (1) The annexation of territory to the city, subject to the current provisions of state law and as excepted in this chapter;
- (2) The continuation in effect of any ordinance or amendment thereto relating to subdivision controls, zoning, official plan, and building, housing, and related restrictions; provided, however, that all ordinance amendments provided in such agreement shall be enacted according to law and ordinance;
- (3) A limitation upon increases in permit fees required by the city;
- (4) Any matter of environmental quality or control;
- (5) The granting of utility franchises for such land;
- (6) Contributions of either land or monies, or both, to the city and to other municipal corporations having jurisdiction over all or part of such land, or any other exercise of intergovernmental cooperation authorized by the Illinois Constitution of 1970;
- (7) Any other power or function pertaining to the government and affairs of the city to which it may contract as a home rule unit under the Illinois Constitution of 1970;
- (8) Any other matter not inconsistent with the provisions of this Code, nor forbidden by law;
- (9) Any action taken by the corporate authorities during the period such agreement is in effect, which, if it applied to the land which is the subject of the agreement, would be a breach of such agreement, shall not apply to such land without an amendment of such agreement.

*(Code 1968, § 6-4; Ord. No. F-0663, § 2, 11-19-01)*

#### **Sec. 18-5. - Fees, costs.**

Any petition for an annexation agreement or amendment thereto shall be accompanied by a fee of \$400.00. Any further extraordinary costs, in accordance with appendix B of this Code, shall be borne by the petitioner.

*(Code 1968, § 6-5; Ord. No. F-0663, § 2, 11-19-01; Ord. No. F-1395, § 1, 12-1-08; Ord. No. F-1432, § 1, 6-15-09; Ord. No. F-1457, § 1, 12-21-09)*

#### **Sec. 18-6. - Execution of agreement.**

The execution of any annexation agreement shall be authorized by an ordinance passed by a vote of two-thirds of the members of the city council then holding office.

*(Code 1968, § 6-6; Ord. No. F-0663, § 2, 11-19-01)*

#### **Sec. 18-7. - Annexation to park district.**

Any real estate owner or developer who annexes territory to the city pursuant to an annexation agreement as defined and referred to in this chapter shall, within 28 days from the date of such annexation, file a petition with the city park district for the annexation of the subject territory to such park district.

*(Code 1968, § 6-7; Ord. No. F-0663, § 2, 11-19-01)*

#### **Sec. 18-8. - Amendment of agreements.**

As a home rule unit, the city does hereby declare that the method of amendment of annexation agreements found in section 11-15.1-3 of the Illinois Municipal Code (65 ILCS 5/11-15.1-3) is of no force and effect as it may or purports to apply to the city. Annexation agreements may be amended by the city council upon petition therefor by one of the two following procedures:

- (1) *Substantial amendment.* If a substantial change to the annexation agreement is desired, a public hearing shall be held by the city council in the same manner as the processing of a new annexation agreement as described in section 18-3. A substantial amendment includes:
  - a. Zoning of any portion of the property;
  - b. Intensity of use including number of dwelling units per acre;
  - c. Reduction of improvements to be installed on the site;
  - d. Reduction of open space or green areas;
  - e. Removal of any building or fixture closer to the boundary lines of the property than originally agreed to;
  - f. Ordinance amendments;
  - g. Length of the agreement; or
  - h. Means of security as to cost and/or installation of public improvements.Any other amendment shall be a minor amendment.
- (2) *Minor amendment.* If a nonsubstantial change to the annexation agreement is desired, the city council may act to amend without a public hearing. To effect such an amendment, however, the proposed amendment must be placed on the city council agenda at the petitioner's request, so that notice of the proposed amendment will be made public with the rest of the agenda items. Upon considering the proposed amendments, the council may:
  - a. Approve the amendment as requested or as then modified by concurrence of the parties, by ordinance;
  - b. Refer to the administration for further study and report; or
  - c. Determine that the proposed amendment represents a substantial change and direct the petitioner to call for a public hearing.

All amendments shall be by ordinance passed by two-thirds of the council then holding office.

(Code 1968, § 6-8; Ord. No. F-0663, § 2, 11-19-01)

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#### FOOTNOTE(S):

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**Cross reference**— Administration generally, ch. 2; streets, sidewalks and other public places, ch. 58; subdivision regulations, ch. 62; zoning, app. A. ([Back](#))