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# The City of Marshall

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• Utility Office • 201 S. Michigan Avenue • P.O. Box 298 • Marshall, Illinois 62441 • 217/826-8084 • 217/826-2949 Fax •

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**PROCEDURE  
FOR  
FILING APPLICATIONS  
FOR  
ANNEXATION AND REZONING OF LAND**

Questions regarding these procedures should be directed to Steve Calhoun, Office Manager at (217) 826-8084

## **ANNEXATION AND REZONING OF LAND GENERAL INFORMATION**

### **I) PURPOSE:**

The City of Marshall will consider the annexation of any land that is contiguous to the corporate limits and lies within the 1½ mile boundary of the Cities extraterritorial authority. Property annexed to the City will automatically be zoned R1 – One Family Residence unless an application of zoning is simultaneously filed.

### **II) CRITERIA:**

In evaluating the suitability of a proposed Annexation, together with the requested zoning classification and ultimate land use, the Zoning Board and City Council will examine the following conditions:

1. The annexation, zoning, and land use is in harmony with the objectives of the Comprehensive Plan and Future Land Use Map.
2. The annexation of the land should have a neutral or positive economic impact on the City. The City will assess the balance between real estate tax, income tax, MFT tax, utility tax, etc. (REVENUE) and City service expense (COST) such as police service, roadway and utility maintenance, recreation, etc.
3. The availability and capacity of existing watermains, fire hydrant coverage, and sanitary sewer mains will be considered. The City will not pay to extend water and sewer mains to annexing properties, but may permit such extensions at the owners expense when such extensions further the planned sanitary sewer and water distribution systems.
4. A determination will be made as to whether the property is located within a floodplain, flood-prone area, wetland, or is subject to some form of drainage problem. Such flood prone areas will not be annexed until the Cities Consulting Engineer approves an adequate storm water management plan.
5. The City will assess the condition of public improvements within adjacent right-of-way, i.e. street pavements, culverts, ditches, sidewalks, etc. before taking on the obligation of maintaining these improvements. Property owners may be required to make necessary improvements as a condition of annexation.
6. Existing buildings on property proposed to be annexed will be inspected to determine if any zoning or building code violations exist. The Plat of Survey will be reviewed for platting errors or required right-of-way dedications. Property owners will be required to bring properties into compliance to the extent the City deems necessary prior to annexation.
7. Property owners must agree to annex the land to the appropriate Fire Protection District and Library District if such property is not already annexed.

## PROCEDURES

The Owner/Applicant must initiate the procedure by submitting the following to the City. All written documents must be on standard 8 1/2 X 11" letter size paper. No legal size paper will be accepted. All blue prints or other drawings must be folded separately.

### I DOCUMENTS AND FEES TO BE SUBMITTED TO CITY

1. The completed and signed application form (Attachment I)
2. Application Filing Fee: \$150.00 Rezoning (Change in Zoning District)
3. An executed Annexation Petition. (See Attachment II) Unexecuted petitions will not be accepted.
4. Evidence of applicant's ownership of or interest in the subject property, and a complete disclosure of interest. (See Attachment III for additional information)
5. A typed list of surrounding property owners within 250' of the affected property according to the records of the County Treasures or County Assessor. Such list shall include the permanent parcel index number, name, address, and zip code of the record owner, including trust numbers if applicable.
6. Four (4) copies of the proposed Annexation Agreement, if applicable.
7. Four (4) folded copies of a recent (one year or less) plat of survey and legal description of the affected property.
8. Four (4) folded copies of a Plat of Annexation prepared by an Illinois Registered Land Surveyor showing the boundaries of the property being annexed, including adjacent roadways, the existing corporate limit lines of the City, all required certificates.
9. Four (4) folded copies of a map identifying the zoning district classification of the property and of all other properties within 250' thereof.
10. Four (4) folded copies of a site plan showing the locations of all existing or proposed structures, parking and loading areas, open space, landscaping, yards, refuse and service areas, utilities, signs, traffic access and circulation.
11. Four (4) folded copies of architectural renderings and floor plans illustrating the appearance of any existing or proposed buildings.

## II LEGAL NOTICES

After it has been determined that a complete and accurate application has been filed a date for the Public Hearing will be scheduled. All applications must be received a minimum of 30 days prior to the date of the hearing.

### (1) Written Notification

The Applicant shall, not more than thirty (30) days nor less than fifteen (15) days before the hearing, send written notice by certified mail, return receipt requested to the persons appearing on the list furnished by the applicant which notice shall contain:

1. the name and address of the applicant
2. the street address and legal description of the property affected by the application
3. the type of rezoning requested
4. the date, time, and location of the public hearing thereupon.

The City will provide the suggested wording for this notice. A signed and notarized affidavit of mailing (see Attachment IV) must be submitted to the City together with the return receipts.

### (2) Newspaper Publication

The City shall publish a notice of the public hearing in the newspaper of general circulation in the City at least fifteen (15) days but no more than thirty (30) days before the scheduled date of the hearing.

## III OTHER AGENCY APPROVALS

1. If the property being annexed is not already part of a Fire Protection District (refer to tax bill), a executed petition to annex must be filed with the appropriate district. For procedures to file petitions contact the Fire Protection District directly.  
Marshall Fire Protection District (217) 826-2341
2. If the property being annexed is not already part of the Marshall Public Library District (refer to tax bill) an executed petition must be filed with the district directly. (See Attachment V) For procedures to file petitions, contact Ms. Nancy Claypool, Administrative Librarian at (217) 826-2535.
3. If the property being annexed includes the annexation of any part of a Township Roadway, a notice of such annexation must be mailed to the Township officials, as follows:

Douglas Township Highway Department  
c/o William English, Highway Commissioner  
21392 N. Clark Switchboard Road  
Marshall, Illinois 62441  
(217) 889-5207

Marshall Township Highway Department  
c/o Mr. Wayne Hendrix, Highway Commissioner  
16386 E. Clarksville Road  
Marshall, Illinois 62441  
(217) 826-8148

Wabash Township Highway Department  
c/o Mr. Bill Fraker, Highway Commissioner  
Marshall, Illinois 62441  
(217) 826-6270

Affidavits, using the forms attached, must be submitted prior to the hearing to show that notices have been sent to surrounding property owners and Township Authorities, Fire Protection District, and Marshall Public Library District. The affidavits must be signed, notarized and returned to City Hall together with the return receipts from the certified mailing. (See Attachments VI, VII, IV)

IV THE PUBLIC HEARING

The Marshall Zoning Board will conduct the Public Hearing. The applicants must be prepared to make a brief presentation in support of their application. Following the presentation, the meeting will be opened for questions and comments from the Zoning Board, City Staff, and the general public. Thereafter the hearing will be closed and the application scheduled for further review and discussion by the Zoning Board Committee of the Whole at a near future meeting.

ZONING BOARD ACTION

Within sixty (60) days after the close of the public hearing, the Zoning Board shall transmit to the City Council written findings of fact pertaining to the Criteria for Annexation and Zoning herein together with a recommendation for action on the proposed application.

CITY COUNCIL ACTION

The City Council shall not act upon any proposed Annexation or Zoning until either it has received a report from the Zoning Board or until sixty (60) days have elapsed from the close of the public hearing.

The City Council shall not approve an Annexation or Zoning unless it shall find that the Annexation and Zoning meets applicable Criteria.

V PROTEST

A written protest may be filed with the City Clerk against a proposed zoning that is signed by the owners of at least 20 percent of the frontage of:

1. the property to be affected by the proposed zoning, or
2. the property immediately adjacent thereto or across the alley there from, or
3. the property having frontage directly opposite the frontage to be affected by the proposed zoning.

If such a protest is filed, the proposed zoning shall not be approved except by a vote of two-thirds of the City Council currently holding office.

The protester shall serve a copy of the protest upon the applicant and upon his or her attorney, if any, by certified mail.

VI REPEAL

If no development has taken place on the property affected by the annexation and zoning within one year of the date of such approval, the Zoning Board may hold a public hearing, after giving Public Notice as provided under Requirements for All Applications in the Administration section hereof, and recommend to the City Council that such zoning be repealed and that the Map be amended to provide for a different zoning classification for the property, unless otherwise provided for in an Annexation Agreement.

VII RESUBMISSION

No application for zoning that has been denied by the City Council shall be resubmitted within one year of the date of that denial except on the grounds of new factual evidence or a change in conditions found to be valid by the Zoning Board.

This restriction shall not, however, apply to a Map amendment proposing a different zoning classification than that denied by the City Council.

**ATTACHMENT I**

**APPLICATION FOR ANNEXATION AND ZONING**

- Annexation, No Annexation Agreement**
- Annexation, With An Annexation Agreement**
- Zoning District**

**Pre-Annexation**

The undersigned petitions the Mayor and City Council of the City of Marshall, Illinois, to annex and zone the property legally described in this application.

Date Filed: \_\_\_\_\_

Address Of Property: \_\_\_\_\_

Legal Description: Attach Exhibit A

**APPLICANT**

Name: \_\_\_\_\_ Telephone No. (\_\_\_\_) \_\_\_\_\_  
Address: \_\_\_\_\_ Fax No. (\_\_\_\_) \_\_\_\_\_  
\_\_\_\_\_

Applicant's Interest: Owner \_\_\_\_ Lessee \_\_\_\_ Contract Purchaser \_\_\_\_ Other \_\_\_\_

**OWNER(S)**

Name: \_\_\_\_\_ Telephone No.(\_\_\_\_) \_\_\_\_\_  
Address: \_\_\_\_\_ Fax No. (\_\_\_\_) \_\_\_\_\_  
\_\_\_\_\_

**ATTORNEY'S**

Name: \_\_\_\_\_ Telephone No. (\_\_\_\_) \_\_\_\_\_  
Address: \_\_\_\_\_ Fax No. (\_\_\_\_) \_\_\_\_\_  
\_\_\_\_\_

The Applicant and Owner agree to pay all costs incurred by the City for administrative, and engineering and legal services for the review of this application and all supporting plans and documents.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Owner(s) Signature

Date: \_\_\_\_\_

Date: \_\_\_\_\_

The Owner of the property or his duly authorized agent must sign this application. **UNDER PENALTIES OF INTENTIONAL MISREPRESENTATION AND OR PERJURY**, I declare that I have examined and or made this application and it is true and correct to the best of my knowledge and belief.

**ATTACHMENT II**

**SAMPLE FORM ONLY**  
**(Not to be used as a Petition)**

**PETITION FOR ANNEXATION**  
**CITY OF MARSHALL**

**TO THE CORPORATE AUTHORITIES:**

Petitioners on oath states as follows:

1. That they are the owners of record of all the Territory described as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. That (they are all the) or (there are no) electors residing on said territory.
3. That no portion of such territory is within the corporate limits of any municipality but is contiguous to the City of Marshall.
4. That a Plat of Annexation of the above-described territory is attached, marked Exhibit "A", and made a part of this petition.

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

The undersigned on oath states that he 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 knowledge.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Owner of record of said property

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

\_\_\_\_\_  
Owner of record of said property

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

\_\_\_\_\_  
Electors residing on said property

## **ATTACHMENT III**

### **DISCLOSURE OF INTEREST**

The party signing the application shall be considered the applicant.

An applicant must be the fee owner, trustee, beneficiary, contract purchaser, lessee, or option holder of the affected property or his or her agent or nominee.

a. If the applicant is not the fee owner of the affected property, the application shall disclose the full names, addresses, and telephone numbers of all owners.

In addition, an affidavit of the fee owner or owners shall be filed with the application stating that the applicant has authority to make the application.

b. Applicant or Fee Owner Is Corporation

If either the applicant or the fee owner is a corporation, the application shall disclose the names and addresses of the corporation's officers, directors, registered agents, and those shareholders owning in excess of five percent of the outstanding stock or interest in the corporation.

c. Applicant is Trustee

If the applicant is a trustee, the full name, address, telephone number, and extent of interest of each beneficiary must be disclosed in the application.

d. Applicant is Beneficiary, Agent, or Nominee

If the applicant is a beneficiary, agent, or nominee, the application must disclose the names, addresses, and telephone numbers of those parties on whose behalf he or she is acting.

e. Applicant is Option Holder or Contract Purchaser

If the applicant is an option holder or contract purchaser a valid (unexpired, fully executed, enforceable) non-contingent (except for zoning and financing approval) contract or option to purchase the premises for which the application is being filed shall be submitted.

**ATTACHMENT IV**

**CITY OF MARSHALL**

**STATE OF ILLINOIS)**  
**) SS**  
**COUNTY OF CLARK)**

**AFFIDAVIT**

I (We), \_\_\_\_\_, being first duly sworn on oath deposes and says that I (we) have served in person or by registered or certified mail, return receipt requested, not less than 15 days nor more than thirty days prior to hearing date, copies of the notice which is attached hereto on the following named persons at the addresses indicated on the list attached hereto, which persons are the owners of record as indicated by the records of the Recorder of Deeds in Clark County; or the persons, according to the records of the County Assessor, who paid the general real estate taxes for the last preceding year on each parcel of lot of real estate within 250' of the real estate legally described as follows:

\_\_\_\_\_  
AFFIANT

\_\_\_\_\_  
AFFIANT

SUBSCRIBED and SWORN to before  
me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

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

**ATTACHMENT V**

**PETITION FOR ANNEXATION**

TO: The Board of Trustees of the  
Marshall Public Library District  
612 Archer Ave.  
Marshall, Illinois 62441

The undersigned Petitioners state as follows:

1. That they request annexation of the following described premises to the Marshall Public Library District:

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2. That there are no electors residing in said territory and said territory consists in whole of private property.
3. That said territory is not within the corporate limits of any library district, but is contiguous to the Marshall Public Library District.
4. That the undersigned are the owners of record of all the land in said territory.
5. That a Plat of Annexation is attached to the Petition.

**WHEREFORE**, pursuant to Article 1002-8 (1) (a) of Chapter 81 of the Illinois Revised Statutes, 1983, the undersigned petition that said territory be annexed to the Marshall Public Library District.

Dated this day \_\_\_\_ of \_\_\_\_\_, 20 \_\_\_\_

**OWNERS:**

**BY:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





