



Post Office Box 299
Peru, Illinois 61354

November 16, 2023

Mayor Ken Kolowski,
Peru City Clerk, and
Aldermen of the City of Peru

RE: **Petition of the City of Peru for Annexation and Zoning of Territory**
Located North of Shooting Park Road and West of the Peru City Cemetery
PINs: 17-08-324-000; 17-08-315-000; 17-08-313-000; 17-08-325-000;
17-08-326-000; 17-08-327-000 (8.26± Total Acres)

Gentlemen:

Pursuant to legal notice published in the News Tribune in the manner provided by law, the Planning/Zoning Commission of the City of Peru convened for a public hearing on Wednesday, November 15, 2023, at 5:00 p.m. in the City Municipal Building, 1901 Fourth Street, Peru, IL, to consider the Petition of the City of Peru, an Illinois home rule municipal corporation (“Petitioner” or “City”), concerning certain real property generally located north of Shooting Park Road and west of the Peru City Cemetery (“Territory”).

The Territory is legally described and depicted on the attached Annexation Plat. The Territory is comprised of approximately 8.26± acres and includes LaSalle County Property Identification Numbers: 17-08-313-000, 17-08-315-000, 17-08-324-000, 17-08-325-000, 17-08-326-000, and 17-08-327-000. The Territory is not situated within the limits of any municipality but is contiguous to and wholly bounded by property already situated within the corporate limits of the City of Peru and zoned R-2 Single-Family Residence District.

Petitioner seeks the following relief, to wit:

- (1) The Territory be annexed to the City of Peru by Ordinance of the Mayor and City Council of the City of Peru pursuant to 65 ILCS 5/7-1-13;
- (2) That upon annexation, the Territory be zoned R-2 Single-Family Residence District pursuant to Section 4.13 of the City’s Zoning Ordinance; and
- (3) For such other and further action to be taken as is appropriate.

Planning/Zoning Commission Members Miller, Lucas, Kalsto, Jones, Brady, and Becker were present at the hearing. Member Grabowski was absent.

City of Peru Corporation Counsel, Scott Schweickert, appeared on behalf of the Petitioner and was duly sworn. Attorney Schweickert testified that the instant petition follows the City’s recent acquisition of 6.14± acres from Grace Bible Fellowship. The total acreage sought to be annexed by the

City pursuant to 65 ILCS 5/7-1-13 is 8.26± acres. Schweickert noted that property is automatically zoned R-1 upon annexation under the City's Zoning Ordinance and that the primary purpose of the hearing was to rezone the Territory to R-2 upon annexation.

Attorney Schweickert testified that while working on annexing the property acquired by the City, he noticed there were a few other small contiguous parcels which were unannexed. His office is looking at these islands of unannexed property throughout the City which are surrounded by the City's corporate limits and enjoy all the benefits of being a part of the City of Peru, but do not pay City taxes. These benefits include proximity to schools, parks, and shopping, and city services like police and fire protection. Many of these unannexed properties also take City utility services. Schweickert said it becomes a matter of fairness to the other taxpayers of the City, and it also allows the City to exercise its zoning powers and enforce City ordinances.

With respect to the request to rezone the Territory to R-2, Attorney Schweickert noted the Territory is surrounded by property zoned R-2 and there are no other zoning districts in the immediate vicinity.

In response to questioning from Chairman Miller, Attorney Schweickert noted the City already has an ordinance in place requiring annexation in order to receive City utilities. However, there are some exceptions provided and examples that predate adoption of that ordinance.

Lynn Wagner, an owner of one of the parcels (PIN 17-08-327-000) included in the Territory to be annexed, was present at the hearing and stated they only have 48' and receive no city utilities. Attorney Schweickert noted that the Wagner parcel to be annexed is just .18 acres located in the backyard behind their home. The parcel with the home is already annexed to the City. In response to questioning from Schweickert, Ms. Wagner confirmed her home does receive City utilities.

In response to questioning from Member Lucas, Ms. Wagner said the Jefferson's own the property immediately north of Church Street; they directly live to the east of them.

In response to questioning from Ms. Wagner, Attorney Schweickert confirmed that the City purchased property from the church and was going to annex it. Ms. Wagner asked whether it was mandated that their property be annexed. Ms. Wagner said they had been asked to annex before and said no. She explained their biggest concern is they have an acre of leaves and they use that parcel for burning, which is allowed by the township, and the City is going to take that away from them. Attorney Schweickert said that was a great example of the reasoning for annexing these "islands" – property that is, for all intents and purposes, within the City of Peru should abide by the laws and regulations of the City. Attorney Schweickert noted that currently the City's ordinance allows for burning of leaves only in the fall.

In response to further questioning from Ms. Wagner, Attorney Schweickert noted that the City is proceeding under the "forced annexation" statute, which provides that the City may annex territory which is 60 acres or less and wholly bounded by the corporate limits of the City, and that her parcel would be included in this annexation. In response to further questioning from Ms. Wagner, Attorney Schweickert said the City is responsible for the plat preparation and other costs associated with the annexation. The only expense to the Wagners would be the addition of the City as a taxing body on the tax bill.

Ms. Wagner said that her sister tried to buy property in St. Johns and they said it was in a floodplain, and that it was going to cost her a fortune to change the plat to say it wasn't in a floodplain. Attorney

Schweickert said that was an entirely separate matter involving insurance and has nothing to do with annexation. The annexation only involves the parcel becoming part of the City's jurisdiction subject to the City's tax rate. Attorney Schweickert noted further that the parcel has Dimmick-Peru Fire Protection district as taxing district, which will drop off the tax bill because the City provides fire protection. The Peru Library will likely annex the parcel to become part of its taxing district as well.

In response to further questioning from Ms. Wagner, Attorney Schweickert said it would be unlikely that the parcel would be reassessed just because of the annexation. Based on the undeveloped parcel's size, Schweickert estimated they probably pay less than \$100 in taxes. Ms. Wagner responded that it was more than that.

In response to questioning from Member Lucas, Attorney Schweickert said the Territory does not extend as far north as the ballpark. There is a city-owned farm field in between the Territory and Veteran's Park. The Territory does extend east to the cemetery. For the time being, the City will continue to farm its property included in the Territory.

Chairman Miller asked if there was any additional comment. Ms. Wagner responded that they knew this was coming and there is not much they could do about it, noting that the Jeffersons were not there to complain. Attorney Schweickert stated he had already spoken with Mr. Jefferson and explained everything to him. Schweickert assumed he was satisfied because he initially asked if he could submit something in writing, and nothing was received by the City.

The Planning/Zoning Commission found the requested relief will not alter the essential character of the locality; will not be detrimental or injurious to other properties in the area; will not impair an adequate supply of light or air to adjacent properties, or increase the danger of fire, or endanger the public safety, or diminish or impair property values and will not increase street congestion and, therefore, favorably recommended to the City Council that it grant the relief as prayed for in the Petition.

Member Lucas moved, and Member Brady seconded, to favorably recommend that the City Council approve the Petition as prayed for. The motion passed unanimously: 6 aye, 0 nay, and 1 Member absent.

Respectfully submitted,

CARY MILLER, Chairman of the
Planning/Zoning Commission