

Appendix H

Intergovernmental Cooperation

Cooperative Planning

The success of the Village's planning efforts depends on cooperative planning between/with Lake County and adjacent communities. During each update of the County plan, the Village of Long Grove should provide input into at least five important areas (1996, 2017)

1. **Boundary Agreements:** In order to facilitate cooperative planning, the Village has entered into boundary agreements with the adjacent municipalities of Hawthorn Woods (on August, 1996) and Kildeer (on July, 1997). The Village will continue to seek cooperation with neighboring municipalities. (1999)
2. **Open Space:** The County is to be encouraged by the Village to work cooperatively with the Village and landowners for the acquisition of open space. Many communities that do not currently respect County open space goals shall be educated relative to its benefits. (1991)
3. **Growth Management:** This will continue to be a very big issue for both the Village and County during the planning period. Over the past 20 years, growth in the County was outpacing the ability of some municipalities, the County and the State to provide adequate roads and necessary improvements to existing roads. In addition, many school districts have fiscal problems if growth continues at its current pace. As a result of this, impact fees remain important at the County and municipal level; as are general County government expenditures, to bring the existing roadway-system up to acceptable standards. (1991, 2017)
4. **Land Use:** The County Plan should reflect Long Grove's long range plan to maintain rural, single family areas while providing for limited commercial opportunities. (2017)
5. **Transportation:** During the planning period, the County shall be encouraged to amend the transportation element of The Framework Plan to make it consistent with Long Grove transportation element of its own comprehensive plan (1991)

Disconnection

This section-discusses Ill. Rev. Stat. 24-7-3-6 (hereinafter referred to as 7-3-6) and how the Village of Long Grove can prevent disconnections from occurring. Long Grove may find some protection against disconnections through innovative planning policies entwined with careful legal actions. The following describe some methodologies that may be used in conjunction with sound planning practice. (1991)



Current Legislation: The statute states that disconnections can occur by direction of the corporate authorities of the municipalities or by court action. Court action has become the more common approach because it allows landowner(s) to bypass the intricate world of municipal politics. In determining whether disconnection is proper, courts look at the following: (1991)

1. A minimum of 20 acres is required.
2. Property must be located on the border of the community.
3. Isolation of other property from the municipality as a consequence of the disconnection is prohibited.
4. The growth prospects, plan, and ordinances of a municipality may not be unreasonably disrupted.
5. Substantial disruption of community services like fire protection and utilities may not occur as a consequence of disconnection.
6. The community may not be harmed in the future due to loss of tax revenues. (1991)

Once the area is disconnected, the statute is clear that the area cannot be subdivided into lots for another year. But once that year expires, the statute is silent. (1991)

Illinois courts interpreting this statute find that a municipality trying to prevent disconnections would have to prove the following: (1991)

1. There is a significant danger of other properties disconnecting.
2. These disconnections would have a clear disruptive effect on other existing properties that could be expressed in dollar terms.
3. There is documentary evidence that there would be deleterious effects of future developments. (1991)

Preventing Disconnection: In light of the statute above, how can a community act to prevent disconnection? There are three possible strategies used here which may be combined with others as yet undocumented in this Comprehensive Plan: (1991)

1. Set forth language in the Plan that discourages disconnections from the Village.



2. Create disconnection barriers.
3. Amend the state legislation. (1991)

This Plan strongly discourages disconnections. First, there is an immediate danger to the Village of Long Grove that disconnections could continue for many years. There have been two significant disconnections from the Village of Long Grove in the last 5 years. There is the potential for several more disconnections in the years to follow, because communities surrounding the Village of Long Grove have zoning ordinances that could be construed to allow more profitable development than that of the Village. Thus, any landowner interested in the potential of financial gain associated with more intense development might have the motivation to petition for disconnection. (1991)

These disconnections would have a clear disruptive effect on other existing properties in the Village that can be expressed in dollar terms. The property values of the lands adjacent to the disconnections are adversely impacted because of increases in congestion, pollution and visual blight. These could make the surrounding homes more difficult to sell than similar properties that are not adjacent to disconnected lands. (1991)

Disconnection will also affect the future development of Long Grove. Long Grove is a community that has done careful planning and has designed a comprehensive approach to land use that ensures that development pays its own way. Such an approach has helped achieve a desired fiscal position for the Village. Disconnection could disenfranchise the citizens of the Village of Long Grove. They will lose their planning, zoning and fiscal control over development because disconnection can lead to landowners breaking the plan and building in a manner that does not pay its own way. (1991)

Therefore, all landowners in the Village of Long Grove are henceforth strongly discouraged from disconnecting from said Village. (1991)

Acquiring Property Rights to Block Disconnections

The Village shall acquire property rights as a means of blocking disconnection from the Village. One strategy is for the Village to acquire small parcels of land along the fringe of the present village boundaries. These new Village areas shall be designated and improved as trails. However, the Village should first be given the right of a landowner in signing annexation petitions. (1991)

There are several programs that involve less than fee simple acquisition, acquisition of development rights, conservation easements, and annexation rights acquisition. Land ownership involves what lawyers call a "bundle of rights." These may be transferred as a whole, as fee simple, or separated as in mineral rights or easements. Development is one of the bundles of rights. Landowners may agree to separate their land into two components first, the ownership with attendant uses and second, the development rights. (1991)



The Village shall acquire the development rights by executing a contract with property owners to sell or give those rights up to the Village. Once the Village owns those rights, annexation could not alter them. For example, certain property owners could all agree to transfer ownership of their development rights to the Village. These contractual agreements would acknowledge the right to have or construct a single house on the property and no other use. Once the Village had the development rights, it would be effectively and permanently separated from the ownership of the land. A new owner of one of these properties would have no rights to develop the property. The Village's right to prohibit development would likewise run with the land. A change of ownership, or even annexation, would not alter this right. (1991)

The next form of ownership is called a conservation easement. Landowners along the edge of the Village might want to limit development and eliminate a rezoning, yet retain the ability of their heirs to build single-family homes. They might own 12 acres and might have 3 heirs. The conservation easement would identify three additional homes in the land. The Village could acquire an easement that prohibited development on the remaining land and limit the existing lot and the 3 new lots to one house each; as with development rights, the acquisition of the easement represents a contract that remains in effect despite changes of ownership or annexation. (1991)

There are two advantages of this program over the development rights alternative. First, the landowner retains a greater development potential, and the allowed lots can be located to maximize their value by taking advantage of the natural features of the site. Second, the Village can seek to preserve selected aspects of the site, such as a scenic corridor along the road or specific natural features. (1991)

Map H-1 Boundary Agreement Lines

