

HB2407



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2407

by Rep. Stephanie A. Kifowit

SYNOPSIS AS INTRODUCED:

65 ILCS 5/7-1-1

from Ch. 24, par. 7-1-1

Amends the Illinois Municipal Code. Provides that, for the purposes of annexation of contiguous territory, territory shall be considered contiguous to a municipality notwithstanding that the territory is separated from the municipality by a lake, river, or other waterway.

LRB100 08841 AWJ 18982 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by
5 changing Section 7-1-1 as follows:

6 (65 ILCS 5/7-1-1) (from Ch. 24, par. 7-1-1)

7 Sec. 7-1-1. Annexation of contiguous territory. Any
8 territory that is not within the corporate limits of any
9 municipality but is contiguous to a municipality may be annexed
10 to the municipality as provided in this Article. For the
11 purposes of this Article any territory to be annexed to a
12 municipality shall be considered to be contiguous to the
13 municipality notwithstanding that the territory is separated
14 from the municipality by a lake, river, or other waterway or
15 the territory is separated from the municipality by a strip
16 parcel, railroad or public utility right-of-way, or former
17 railroad right-of-way that has been converted to a recreational
18 trail, but upon annexation the area included within that strip
19 parcel, right-of-way, or former right-of-way shall not be
20 considered to be annexed to the municipality. For purposes of
21 this Section, "strip parcel" means a separation no wider than
22 30 feet between the territory to be annexed and the municipal
23 boundary.

1 Except in counties with a population of more than 600,000
2 but less than 3,000,000, territory which is not contiguous to a
3 municipality but is separated therefrom only by a forest
4 preserve district, federal wildlife refuge, open land or open
5 space that is part of an open space program, as defined in
6 Section 115-5 of the Township Code, or conservation area, may
7 be annexed to the municipality pursuant to Section 7-1-7 or
8 7-1-8, but only if the annexing municipality can show that the
9 forest preserve district, federal wildlife refuge, open land,
10 open space, or conservation area creates an artificial barrier
11 preventing the annexation and that the location of the forest
12 preserve district, federal wildlife refuge, open land, open
13 space, or conservation area property prevents the orderly
14 natural growth of the annexing municipality. Except for parcels
15 of land less than one acre in size, it shall be conclusively
16 presumed that the forest preserve district, federal wildlife
17 refuge, open land, open space, or conservation area does not
18 create an artificial barrier if the property sought to be
19 annexed is bounded on at least 3 sides by (i) one or more other
20 municipalities (other than the municipality seeking annexation
21 through the existing forest preserve district, federal
22 wildlife refuge, open land, open space, or conservation area),
23 (ii) forest preserve district property, federal wildlife
24 refuge, open land, open space, or conservation area, or (iii) a
25 combination of other municipalities and forest preserve
26 district property, federal wildlife refuge property, open

1 land, open space, or conservation area. Except of parcels of
2 land less than one acre in size, it shall also be conclusively
3 presumed that the forest preserve district, federal wildlife
4 refuge, open land, open space, or conservation area does not
5 create an artificial barrier if the municipality seeking
6 annexation is not the closest municipality within the county to
7 the property to be annexed. The territory included within such
8 forest preserve district, federal wildlife refuge, open land,
9 open space, or conservation area shall not be annexed to the
10 municipality nor shall the territory of the forest preserve
11 district, federal wildlife refuge, open land, open space, or
12 conservation area be subject to rights-of-way for access or
13 services between the parts of the municipality separated by the
14 forest preserve district, federal wildlife refuge, open land,
15 open space, or conservation area without the consent of the
16 governing body of the forest preserve district or federal
17 wildlife refuge. Parcels of land less than one acre in size may
18 be annexed to the municipality pursuant to Section 7-1-7 or
19 7-1-8 if it would be contiguous to the municipality but for the
20 separation therefrom by a forest preserve district, federal
21 wildlife refuge, open land or open space that is part of an
22 open space program, as defined in Section 115-5 of the Township
23 Code, or conservation area. The changes made to this Section by
24 Public Act 91-824 are declaratory of existing law and shall not
25 be construed as a new enactment.

26 For the purpose of this Section, "conservation area" means

1 an area dedicated to conservation and owned by a not-for-profit
2 organized under Section 501(c)(3) of the Internal Revenue Code
3 of 1986, or any area owned by a conservation district.

4 In counties that are contiguous to the Mississippi River
5 with populations of more than 200,000 but less than 255,000, a
6 municipality that is partially located in territory that is
7 wholly surrounded by the Mississippi River and a canal,
8 connected at both ends to the Mississippi River and located on
9 property owned by the United States of America, may annex
10 noncontiguous territory in the surrounded territory under
11 Sections 7-1-7, 7-1-8, or 7-1-9 if that territory is separated
12 from the municipality by property owned by the United States of
13 America, but that federal property shall not be annexed without
14 the consent of the federal government.

15 For the purposes of this Article, any territory to be
16 annexed to a municipality that is located in a county with more
17 than 500,000 inhabitants shall be considered to be contiguous
18 to the municipality if only a river and a national heritage
19 corridor separate the territory from the municipality. Upon
20 annexation, no river or national heritage corridor shall be
21 considered annexed to the municipality.

22 When any land proposed to be annexed is part of any Fire
23 Protection District or of any Public Library District and the
24 annexing municipality provides fire protection or a public
25 library, as the case may be, the Trustees of each District
26 shall be notified in writing by certified or registered mail

1 before any court hearing or other action is taken for
2 annexation. The notice shall be served 10 days in advance. An
3 affidavit that service of notice has been had as provided by
4 this Section must be filed with the clerk of the court in which
5 the annexation proceedings are pending or will be instituted
6 or, when no court proceedings are involved, with the recorder
7 for the county where the land is situated. No annexation of
8 that land is effective unless service is had and the affidavit
9 filed as provided in this Section.

10 The new boundary shall extend to the far side of any
11 adjacent highway and shall include all of every highway within
12 the area annexed. These highways shall be considered to be
13 annexed even though not included in the legal description set
14 forth in the petition for annexation. When any land proposed to
15 be annexed includes any highway under the jurisdiction of any
16 township, the Township Commissioner of Highways, the Board of
17 Town Trustees, the Township Supervisor, and the Township Clerk
18 shall be notified in writing by certified or registered mail
19 before any court hearing or other action is taken for
20 annexation. In the event that a municipality fails to notify
21 the Township Commissioner of Highways, the Board of Town
22 Trustees, the Township Supervisor, and the Township Clerk of
23 the annexation of an area within the township, the municipality
24 shall reimburse that township for any loss or liability caused
25 by the failure to give notice. If any municipality has annexed
26 any area before October 1, 1975, and the legal description in

1 the petition for annexation did not include the entire adjacent
2 highway, any such annexation shall be valid and any highway
3 adjacent to the area annexed shall be considered to be annexed
4 notwithstanding the failure of the petition to annex to include
5 the description of the entire adjacent highway.

6 Any annexation, disconnection and annexation, or
7 disconnection under this Article of any territory must be
8 reported by certified or registered mail by the corporate
9 authority initiating the action to the election authorities
10 having jurisdiction in the territory and the post office
11 branches serving the territory within 30 days of the
12 annexation, disconnection and annexation, or disconnection.

13 Failure to give notice to the required election authorities
14 or post office branches will not invalidate the annexation or
15 disconnection. For purposes of this Section "election
16 authorities" means the county clerk where the clerk acts as the
17 clerk of elections or the clerk of the election commission
18 having jurisdiction.

19 No annexation, disconnection and annexation, or
20 disconnection under this Article of territory having electors
21 residing therein made (1) before any primary election to be
22 held within the municipality affected thereby and after the
23 time for filing petitions as a candidate for nomination to any
24 office to be chosen at the primary election or (2) within 60
25 days before any general election to be held within the
26 municipality shall be effective until the day after the date of

1 the primary or general election, as the case may be.

2 For the purpose of this Section, a toll highway or
3 connection between parcels via an overpass bridge over a toll
4 highway shall not be considered a deterrent to the definition
5 of contiguous territory.

6 When territory is proposed to be annexed by court order
7 under this Article, the corporate authorities or petitioners
8 initiating the action shall notify each person who pays real
9 estate taxes on property within that territory unless the
10 person is a petitioner. The notice shall be served by certified
11 or registered mail, return receipt requested, at least 20 days
12 before a court hearing or other court action. If the person who
13 pays real estate taxes on the property is not the owner of
14 record, then the payor shall notify the owner of record of the
15 proposed annexation.

16 (Source: P.A. 99-63, eff. 1-1-16.)