



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB0434**

Introduced 2/16/2005, by Sen. Arthur J. Wilhelmi

**SYNOPSIS AS INTRODUCED:**

65 ILCS 5/7-1-1

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

Amends the Illinois Municipal Code. Provides that, when any land is proposed to be annexed to a municipality, the corporate authorities of each school district potentially affected by the proposed annexation shall be notified by the municipality in writing by certified or registered mail before any court hearing or other action is taken for annexation. Establishes procedures for the service of the notice. Provides that the annexation of that land is not effective without such service. Effective immediately.

LRB094 10538 AJO 40815 b

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 Sections 7-1-1 and 7-1-2 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 railroad or public utility  
15 right-of-way, but upon annexation the area included within that  
16 right-of-way shall not be considered to be annexed to the  
17 municipality.

18 Except in counties with a population of more than 500,000  
19 but less than 3,000,000, territory which is not contiguous to a  
20 municipality but is separated therefrom only by a forest  
21 preserve district may be annexed to the municipality pursuant  
22 to Sections 7-1-7 or 7-1-8, but only if the annexing  
23 municipality can show that the forest preserve district creates  
24 an artificial barrier preventing the annexation and that the  
25 location of the forest preserve district property prevents the  
26 orderly natural growth of the annexing municipality. It shall  
27 be conclusively presumed that the forest preserve district does  
28 not create an artificial barrier if the property sought to be  
29 annexed is bounded on at least 3 sides by (i) one or more other  
30 municipalities (other than the municipality seeking annexation  
31 through the existing forest preserve district), (ii) forest  
32 preserve district property, or (iii) a combination of other

1 municipalities and forest preserve district property. It shall  
2 also be conclusively presumed that the forest preserve district  
3 does not create an artificial barrier if the municipality  
4 seeking annexation is not the closest municipality to the  
5 property to be annexed. The territory included within such  
6 forest preserve district shall not be annexed to the  
7 municipality nor shall the territory of the forest preserve  
8 district be subject to rights-of-way for access or services  
9 between the parts of the municipality separated by the forest  
10 preserve district without the consent of the governing body of  
11 the forest preserve district. The changes made to this Section  
12 by this amendatory Act of 91st General Assembly are declaratory  
13 of existing law and shall not be construed as a new enactment.

14 In counties that are contiguous to the Mississippi River  
15 with populations of more than 200,000 but less than 255,000, a  
16 municipality that is partially located in territory that is  
17 wholly surrounded by the Mississippi River and a canal,  
18 connected at both ends to the Mississippi River and located on  
19 property owned by the United States of America, may annex  
20 noncontiguous territory in the surrounded territory under  
21 Sections 7-1-7, 7-1-8, or 7-1-9 if that territory is separated  
22 from the municipality by property owned by the United States of  
23 America, but that federal property shall not be annexed without  
24 the consent of the federal government.

25 When any land proposed to be annexed is part of any Fire  
26 Protection District or of any Public Library District and the  
27 annexing municipality provides fire protection or a public  
28 library, as the case may be, the Trustees of each District  
29 shall be notified in writing by certified or registered mail  
30 before any court hearing or other action is taken for  
31 annexation. The notice shall be served 10 days in advance. An  
32 affidavit that service of notice has been had as provided by  
33 this Section must be filed with the clerk of the court in which  
34 the annexation proceedings are pending or will be instituted  
35 or, when no court proceedings are involved, with the recorder  
36 for the county where the land is situated. No annexation of

1 that land is effective unless service is had and the affidavit  
2 filed as provided in this Section.

3 When any land is proposed to be annexed to a municipality,  
4 the corporate authorities of each school district potentially  
5 affected by the proposed annexation shall be notified by the  
6 municipality in writing concerning the proposed annexation by  
7 certified or registered mail before any court hearing is held  
8 or some other action is taken for annexation. The notice shall  
9 be served at least 10 days in advance of any hearing or action  
10 for annexation. An affidavit that service of notice has been  
11 had as provided by this Section must be filed with the clerk of  
12 the court in which the annexation proceedings are pending or  
13 will be instituted or, when no court proceedings are involved,  
14 with the recorder for each county where the land is situated.  
15 No annexation of that land is effective unless service is had  
16 and the affidavit filed as provided in this Section.

17 The new boundary shall extend to the far side of any  
18 adjacent highway and shall include all of every highway within  
19 the area annexed. These highways shall be considered to be  
20 annexed even though not included in the legal description set  
21 forth in the petition for annexation. When any land proposed to  
22 be annexed includes any highway under the jurisdiction of any  
23 township, the Township Commissioner of Highways and the Board  
24 of Town Trustees shall be notified in writing by certified or  
25 registered mail before any court hearing or other action is  
26 taken for annexation. In the event that a municipality fails to  
27 notify the Township Commissioner of Highways and the Board of  
28 Town Trustees of the annexation of an area within the township,  
29 the municipality shall reimburse that township for any loss or  
30 liability caused by the failure to give notice. If any  
31 municipality has annexed any area before October 1, 1975, and  
32 the legal description in the petition for annexation did not  
33 include the entire adjacent highway, any such annexation shall  
34 be valid and any highway adjacent to the area annexed shall be  
35 considered to be annexed notwithstanding the failure of the  
36 petition to annex to include the description of the entire

1 adjacent highway.

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

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

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

24 For the purpose of this Section, a toll highway or  
25 connection between parcels via an overpass bridge over a toll  
26 highway shall not be considered a deterrent to the definition  
27 of contiguous territory.

28 When territory is proposed to be annexed by court order  
29 under this Article, the corporate authorities or petitioners  
30 initiating the action shall notify each person who pays real  
31 estate taxes on property within that territory unless the  
32 person is a petitioner. The notice shall be served by certified  
33 or registered mail, return receipt requested, at least 20 days  
34 before a court hearing or other court action. If the person who  
35 pays real estate taxes on the property is not the owner of  
36 record, then the payor shall notify the owner of record of the

1 proposed annexation.

2 (Source: P.A. 90-14, eff. 7-1-97; 91-824, eff. 6-13-00.)

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.