



Sen. Gary Forby

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LRB094 04461 HLH 56737 a

1 AMENDMENT TO SENATE BILL 835

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 835 by replacing  
3 everything after the enacting clause with the following:

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 strip parcel, railroad or public  
15 utility right-of-way, or former railroad right-of-way that has  
16 been converted to a recreational trail, but upon annexation the  
17 area included within that strip parcel, right-of-way, or former  
18 right-of-way shall not be considered to be annexed to the  
19 municipality. For purposes of this Section, "strip parcel"  
20 means a separation no wider than 30 feet between the territory  
21 to be annexed and the municipal boundary.

22 Except in counties with a population of more than 600,000  
23 but less than 3,000,000, territory which is not contiguous to a  
24 municipality but is separated therefrom only by a forest

1 preserve district, federal wildlife refuge, or open land or  
2 open space that is part of an open space program, as defined in  
3 Section 115-5 of the Township Code, may be annexed to the  
4 municipality pursuant to Section 7-1-7 or 7-1-8, but only if  
5 the annexing municipality can show that the forest preserve  
6 district, federal wildlife refuge, open land, or open space  
7 creates an artificial barrier preventing the annexation and  
8 that the location of the forest preserve district, federal  
9 wildlife refuge, open land, or open space property prevents the  
10 orderly natural growth of the annexing municipality. It shall  
11 be conclusively presumed that the forest preserve district,  
12 federal wildlife refuge, open land, or open space does not  
13 create an artificial barrier if the property sought to be  
14 annexed is bounded on at least 3 sides by (i) one or more other  
15 municipalities (other than the municipality seeking annexation  
16 through the existing forest preserve district, federal  
17 wildlife refuge, open land, or open space), (ii) forest  
18 preserve district property, federal wildlife refuge, open  
19 land, or open space, or (iii) a combination of other  
20 municipalities and forest preserve district property, federal  
21 wildlife refuge property, open land, or open space. It shall  
22 also be conclusively presumed that the forest preserve  
23 district, federal wildlife refuge, open land, or open space  
24 does not create an artificial barrier if the municipality  
25 seeking annexation is not the closest municipality within the  
26 county to the property to be annexed. The territory included  
27 within such forest preserve district, federal wildlife refuge,  
28 open land, or open space shall not be annexed to the  
29 municipality nor shall the territory of the forest preserve  
30 district, federal wildlife refuge, open land, or open space be  
31 subject to rights-of-way for access or services between the  
32 parts of the municipality separated by the forest preserve  
33 district, federal wildlife refuge, open land, or open space  
34 without the consent of the governing body of the forest

1 preserve district or federal wildlife refuge. The changes made  
2 to this Section by this amendatory Act of 91st General Assembly  
3 are declaratory of existing law and shall not be construed as a  
4 new enactment.

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

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

23 When any land proposed to be annexed is part of any Fire  
24 Protection District or of any Public Library District and the  
25 annexing municipality provides fire protection or a public  
26 library, as the case may be, the Trustees of each District  
27 shall be notified in writing by certified or registered mail  
28 before any court hearing or other action is taken for  
29 annexation. The notice shall be served 10 days in advance. An  
30 affidavit that service of notice has been had as provided by  
31 this Section must be filed with the clerk of the court in which  
32 the annexation proceedings are pending or will be instituted  
33 or, when no court proceedings are involved, with the recorder  
34 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 The new boundary shall extend to the far side of any  
4 adjacent highway and shall include all of every highway within  
5 the area annexed. These highways shall be considered to be  
6 annexed even though not included in the legal description set  
7 forth in the petition for annexation. When any land proposed to  
8 be annexed includes any highway under the jurisdiction of any  
9 township, the Township Commissioner of Highways and the Board  
10 of Town Trustees shall be notified in writing by certified or  
11 registered mail before any court hearing or other action is  
12 taken for annexation. In the event that a municipality fails to  
13 notify the Township Commissioner of Highways and the Board of  
14 Town Trustees of the annexation of an area within the township,  
15 the municipality shall reimburse that township for any loss or  
16 liability caused by the failure to give notice. If any  
17 municipality has annexed any area before October 1, 1975, and  
18 the legal description in the petition for annexation did not  
19 include the entire adjacent highway, any such annexation shall  
20 be valid and any highway adjacent to the area annexed shall be  
21 considered to be annexed notwithstanding the failure of the  
22 petition to annex to include the description of the entire  
23 adjacent highway.

24 Any annexation, disconnection and annexation, or  
25 disconnection under this Article of any territory must be  
26 reported by certified or registered mail by the corporate  
27 authority initiating the action to the election authorities  
28 having jurisdiction in the territory and the post office  
29 branches serving the territory within 30 days of the  
30 annexation, disconnection and annexation, or disconnection.

31 Failure to give notice to the required election authorities  
32 or post office branches will not invalidate the annexation or  
33 disconnection. For purposes of this Section "election  
34 authorities" means the county clerk where the clerk acts as the

1 clerk of elections or the clerk of the election commission  
2 having jurisdiction.

3 No annexation, disconnection and annexation, or  
4 disconnection under this Article of territory having electors  
5 residing therein made (1) before any primary election to be  
6 held within the municipality affected thereby and after the  
7 time for filing petitions as a candidate for nomination to any  
8 office to be chosen at the primary election or (2) within 60  
9 days before any general election to be held within the  
10 municipality shall be effective until the day after the date of  
11 the primary or general election, as the case may be.

12 For the purpose of this Section, a toll highway or  
13 connection between parcels via an overpass bridge over a toll  
14 highway shall not be considered a deterrent to the definition  
15 of contiguous territory.

16 When territory is proposed to be annexed by court order  
17 under this Article, the corporate authorities or petitioners  
18 initiating the action shall notify each person who pays real  
19 estate taxes on property within that territory unless the  
20 person is a petitioner. The notice shall be served by certified  
21 or registered mail, return receipt requested, at least 20 days  
22 before a court hearing or other court action. If the person who  
23 pays real estate taxes on the property is not the owner of  
24 record, then the payor shall notify the owner of record of the  
25 proposed annexation.

26 (Source: P.A. 93-1098, eff. 1-1-06; 94-361, eff. 1-1-06.)

27 Section 99. Effective date. This Act takes effect upon  
28 becoming law."