



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2404

Introduced 1/18/2006, by Sen. Gary Forby

SYNOPSIS AS INTRODUCED:

65 ILCS 5/7-1-1

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

Amends the Municipal Code. Provides that territory that is separated from a municipality only by a federal wildlife refuge may be annexed to the municipality if the municipality can show that the federal wildlife refuge creates an artificial barrier preventing annexation. Provides that it shall be conclusively presumed that the federal wildlife refuge does not create an artificial barrier if the annexing municipality is not the closest municipality within the county to the property to be annexed (now, does not limit the provision to municipalities within the county). Effective immediately.

LRB094 18681 HLH 54041 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 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
25 preserve district, federal wildlife refuge, or open land or
26 open space that is part of an open space program, as defined in
27 Section 115-5 of the Township Code, may be annexed to the
28 municipality pursuant to Section 7-1-7 or 7-1-8, but only if
29 the annexing municipality can show that the forest preserve
30 district, federal wildlife refuge, open land, or open space
31 creates an artificial barrier preventing the annexation and
32 that the location of the forest preserve district, federal

1 wildlife refuge, open land, or open space property prevents the
2 orderly natural growth of the annexing municipality. It shall
3 be conclusively presumed that the forest preserve district,
4 federal wildlife refuge, open land, or open space does not
5 create an artificial barrier if the property sought to be
6 annexed is bounded on at least 3 sides by (i) one or more other
7 municipalities (other than the municipality seeking annexation
8 through the existing forest preserve district, federal
9 wildlife refuge, open land, or open space), (ii) forest
10 preserve district property, federal wildlife refuge, open
11 land, or open space, or (iii) a combination of other
12 municipalities and forest preserve district property, federal
13 wildlife refuge property, open land, or open space. It shall
14 also be conclusively presumed that the forest preserve
15 district, federal wildlife refuge, open land, or open space
16 does not create an artificial barrier if the municipality
17 seeking annexation is not the closest municipality within the
18 county to the property to be annexed. The territory included
19 within such forest preserve district, federal wildlife refuge,
20 open land, or open space shall not be annexed to the
21 municipality nor shall the territory of the forest preserve
22 district, federal wildlife refuge, open land, or open space be
23 subject to rights-of-way for access or services between the
24 parts of the municipality separated by the forest preserve
25 district, federal wildlife refuge, open land, or open space
26 without the consent of the governing body of the forest
27 preserve district or federal wildlife refuge. The changes made
28 to this Section by this amendatory Act of 91st General Assembly
29 are declaratory of existing law and shall not be construed as a
30 new enactment.

31 In counties that are contiguous to the Mississippi River
32 with populations of more than 200,000 but less than 255,000, a
33 municipality that is partially located in territory that is
34 wholly surrounded by the Mississippi River and a canal,
35 connected at both ends to the Mississippi River and located on
36 property owned by the United States of America, may annex

1 noncontiguous territory in the surrounded territory under
2 Sections 7-1-7, 7-1-8, or 7-1-9 if that territory is separated
3 from the municipality by property owned by the United States of
4 America, but that federal property shall not be annexed without
5 the consent of the federal government.

6 For the purposes of this Article, any territory to be
7 annexed to a municipality that is located in a county with more
8 than 500,000 inhabitants shall be considered to be contiguous
9 to the municipality if only a river and a national heritage
10 corridor separate the territory from the municipality. Upon
11 annexation, no river or national heritage corridor shall be
12 considered annexed to the municipality.

13 When any land proposed to be annexed is part of any Fire
14 Protection District or of any Public Library District and the
15 annexing municipality provides fire protection or a public
16 library, as the case may be, the Trustees of each District
17 shall be notified in writing by certified or registered mail
18 before any court hearing or other action is taken for
19 annexation. The notice shall be served 10 days in advance. An
20 affidavit that service of notice has been had as provided by
21 this Section must be filed with the clerk of the court in which
22 the annexation proceedings are pending or will be instituted
23 or, when no court proceedings are involved, with the recorder
24 for the county where the land is situated. No annexation of
25 that land is effective unless service is had and the affidavit
26 filed as provided in this Section.

27 The new boundary shall extend to the far side of any
28 adjacent highway and shall include all of every highway within
29 the area annexed. These highways shall be considered to be
30 annexed even though not included in the legal description set
31 forth in the petition for annexation. When any land proposed to
32 be annexed includes any highway under the jurisdiction of any
33 township, the Township Commissioner of Highways and the Board
34 of Town Trustees shall be notified in writing by certified or
35 registered mail before any court hearing or other action is
36 taken for annexation. In the event that a municipality fails to

1 notify the Township Commissioner of Highways and the Board of
2 Town Trustees of the annexation of an area within the township,
3 the municipality shall reimburse that township for any loss or
4 liability caused by the failure to give notice. If any
5 municipality has annexed any area before October 1, 1975, and
6 the legal description in the petition for annexation did not
7 include the entire adjacent highway, any such annexation shall
8 be valid and any highway adjacent to the area annexed shall be
9 considered to be annexed notwithstanding the failure of the
10 petition to annex to include the description of the entire
11 adjacent highway.

12 Any annexation, disconnection and annexation, or
13 disconnection under this Article of any territory must be
14 reported by certified or registered mail by the corporate
15 authority initiating the action to the election authorities
16 having jurisdiction in the territory and the post office
17 branches serving the territory within 30 days of the
18 annexation, disconnection and annexation, or disconnection.

19 Failure to give notice to the required election authorities
20 or post office branches will not invalidate the annexation or
21 disconnection. For purposes of this Section "election
22 authorities" means the county clerk where the clerk acts as the
23 clerk of elections or the clerk of the election commission
24 having jurisdiction.

25 No annexation, disconnection and annexation, or
26 disconnection under this Article of territory having electors
27 residing therein made (1) before any primary election to be
28 held within the municipality affected thereby and after the
29 time for filing petitions as a candidate for nomination to any
30 office to be chosen at the primary election or (2) within 60
31 days before any general election to be held within the
32 municipality shall be effective until the day after the date of
33 the primary or general election, as the case may be.

34 For the purpose of this Section, a toll highway or
35 connection between parcels via an overpass bridge over a toll
36 highway shall not be considered a deterrent to the definition

1 of contiguous territory.

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

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

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.