



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

**HB5885**

by Rep. Stephanie A. Kifowit

#### SYNOPSIS AS INTRODUCED:

60 ILCS 1/10-25

65 ILCS 5/7-1-1

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

Amends the Township Code. Removes a provision preventing townships redrawn by county board auction from being more than 126 square miles. Amends the Illinois Municipal Code. Provides that municipalities may annex territory connected only by water or a waterway.

LRB099 20492 AWJ 45014 b

FISCAL NOTE ACT  
MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

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 Township Code is amended by changing Section  
5 10-25 as follows:

6 (60 ILCS 1/10-25)

7 Sec. 10-25. Plan for changes in townships.

8 (a) The county board of each county may, subject to a  
9 referendum in the townships affected as provided in this  
10 Section, adopt a plan for altering the boundaries of townships,  
11 changing township lines, dividing, enlarging, or consolidating  
12 townships, or creating new townships, so that each township  
13 shall possess an equalized assessed valuation of not less than  
14 \$10,000,000 as of the 1982 assessment year ~~or an area of not~~  
15 ~~more than 126 square miles.~~

16 (b) No alteration or change in boundaries shall be  
17 effective unless approved by a referendum in each township  
18 affected. The election authority shall submit to the voters of  
19 each township affected, at a regular election to be held not  
20 less than 60 days after the plan is adopted, the question of  
21 approving the alteration or change. The alterations or changes,  
22 if approved by the voters, shall take effect on the date of the  
23 next township election and shall be applicable to that

1 election. If there is doubt as to the township clerk with whom  
2 nomination papers for that election should be filed, the county  
3 board shall designate the clerk. In the alteration of  
4 boundaries, a county board may not disturb urban or coterminous  
5 townships in existence on October 1, 1978.

6 (Source: P.A. 84-1308; 88-62.)

7 Section 10. The Illinois Municipal Code is amended by  
8 changing Section 7-1-1 as follows:

9 (65 ILCS 5/7-1-1) (from Ch. 24, par. 7-1-1)

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

1 the territory to be annexed and the municipal boundary.

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

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

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

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

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

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

1 any area before October 1, 1975, and the legal description in  
2 the petition for annexation did not include the entire adjacent  
3 highway, any such annexation shall be valid and any highway  
4 adjacent to the area annexed shall be considered to be annexed  
5 notwithstanding the failure of the petition to annex to include  
6 the description of the entire adjacent highway.

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

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

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

1 municipality shall be effective until the day after the date of  
2 the primary or general election, as the case may be.

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

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

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