



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5671

Introduced 2/9/2010, by Rep. Timothy L. Schmitz

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/7-1-13

from Ch. 24, par. 7-1-13

Amends the Illinois Municipal Code. Provides that, if specified territory containing 60 acres or less is to be annexed by a municipality and lies within the unincorporated area of a county, then the annexing municipality shall give at least 10 days' prior written notice of the time and place of the passage of the annexation ordinance to the corporate authorities of the county where the territory to be annexed lies. Makes revisory changes. Effective immediately.

LRB096 19257 RLJ 34648 b

FISCAL 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 7-1-13 as follows:

6 (65 ILCS 5/7-1-13) (from Ch. 24, par. 7-1-13)  
7 Sec. 7-1-13. Annexation.

8 (a) Whenever any unincorporated territory containing 60  
9 acres or less, is wholly bounded by (a) one or more  
10 municipalities, (b) one or more municipalities and a creek in a  
11 county with a population of 400,000 or more, or one or more  
12 municipalities and a river or lake in any county, (c) one or  
13 more municipalities and the Illinois State boundary, (d) one or  
14 more municipalities and property owned by the State of  
15 Illinois, except highway right-of-way owned in fee by the  
16 State, (e) one or more municipalities and a forest preserve  
17 district or park district, (f) if the territory is a triangular  
18 parcel of less than 10 acres, one or more municipalities and an  
19 interstate highway owned in fee by the State and bounded by a  
20 frontage road, or (g) one or more municipalities in a county  
21 with a population of more than 800,000 inhabitants and less  
22 than 2,000,000 inhabitants and either a railroad or operating  
23 property, as defined in the Property Tax Code (35 ILCS

1 200/11-70), being immediately adjacent to, but exclusive of  
2 that railroad property, that territory may be annexed by any  
3 municipality by which it is bounded in whole or in part, by the  
4 passage of an ordinance to that effect after notice is given as  
5 provided in subsection (b) of this Section. Land or property  
6 that is used for agricultural purposes or to produce  
7 agricultural goods shall not be annexed pursuant to item (g).  
8 Nothing in this Section shall subject any railroad property to  
9 the zoning or jurisdiction of any municipality annexing the  
10 property under this Section. ~~and for land annexed pursuant to~~  
11 ~~item (g), notice shall be given to the impacted land owners~~ The  
12 ordinance shall describe the territory annexed and a copy  
13 thereof together with an accurate map of the annexed territory  
14 shall be recorded in the office of the recorder of the county  
15 wherein the annexed territory is situated and a document of  
16 annexation shall be filed with the county clerk and County  
17 Election Authority. Nothing in this Section shall be construed  
18 as permitting a municipality to annex territory of a forest  
19 preserve district in a county with a population of 3,000,000 or  
20 more without obtaining the consent of the district pursuant to  
21 Section 8.3 of the Cook County Forest Preserve District Act nor  
22 shall anything in this Section be construed as permitting a  
23 municipality to annex territory owned by a park district  
24 without obtaining the consent of the district pursuant to  
25 Section 8-1.1 of the Park District Code.

26 (b) The corporate authorities shall cause notice, stating

1 that annexation of the territory described in the notice is  
2 contemplated under this Section, to be published once, in a  
3 newspaper of general circulation within the territory to be  
4 annexed, not less than 10 days before the passage of the  
5 annexation ordinance, and for land annexed pursuant to item (g)  
6 of subsection (a) of this Section, notice shall be given to the  
7 impacted land owners. The corporate authorities shall also, not  
8 less than 15 days before the passage of the annexation  
9 ordinance, serve written notice, either in person or, at a  
10 minimum, by certified mail, on the taxpayer of record of the  
11 proposed annexed territory as appears from the authentic tax  
12 records of the county. When the territory to be annexed lies  
13 wholly or partially within a township other than the township  
14 where the municipality is situated, the annexing municipality  
15 shall give at least 10 days prior written notice of the time  
16 and place of the passage of the annexation ordinance to the  
17 township supervisor of the township where the territory to be  
18 annexed lies. If the territory to be annexed lies within the  
19 unincorporated area of a county, then the annexing municipality  
20 shall give at least 10 days' prior written notice of the time  
21 and place of the passage of the annexation ordinance to the  
22 corporate authorities of the county where the territory to be  
23 annexed lies.

24 (c) When notice is given as described in subsection (b) of  
25 this Section, no other municipality may annex the proposed  
26 territory for a period of 60 days from the date the notice is

1 mailed or delivered to the taxpayer of record unless that other  
2 municipality has initiated annexation proceedings or a valid  
3 petition as described in Section 7-1-2, 7-1-8, 7-1-11 or 7-1-12  
4 of this Code has been received by the municipality prior to the  
5 publication and mailing of the notices required in subsection  
6 (b).

7 (Source: P.A. 94-396, eff. 8-1-05; 95-931, eff. 1-1-09;  
8 95-1039, eff. 3-25-09; revised 4-9-09.)

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.